



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 10TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV

AND

THE HON'BLE MRS JUSTICE K.G.SHANTHI

WRIT APPEAL NO. 100161 OF 2026 (LR-)

BETWEEN:

1. SHRI. BANGARAPPA S/O YALLAPPA KALLI
AGE: 60 OCC: AGRICULTURE
R/O: AT: YALIWAL TQ: HANAGAL
DIST: HAVERI- 581203

2. SMT. YALLAWWA W/O NAGESHAPPA SALUNKE
AGE: 58 OCC: HOUSEHOLD
R/O: AT : AREGOPPA TQ: HANAGAL
DIST: HAVERI- 581104

3. SHRI. KEDARAPPA S/O BASAPPA GAYAKAWAD
AGE: 58 OCC: AGRICULTURE
R/O: AT : RAMAPUR TQ: HANAGAL
DIST: HAVERI- 581104

4. SHRI. ARJUN S/O BASAPPA GAYAKAWAD
AGE: 56 OCC: AGRICULTURE
R/O: AT: RAMAPUR TQ: HANAGAL
DIST: HAVERI-581104

5. SHRI. BHIMAPPA S/O BASAPPA GAYAKAWAD
AGE: 54 OCC: AGRICULTURE
R/O: AT : RAMAPUR TQ: HANAGAL
DIST: HAVERI-581104

6. SHRI. NAGARAJ S/O BASAPPA GAYAKAWAD
AGE: 52 OCC: AGRICULTURE
R/O: AT: RAMAPUR TQ: HANAGAL
DIST: HAVERI- 581104

7. SMT. SAVAKKA W/O GANGAPPA PAWAR
AGE: 70 OCC: HOUSEHOLD

Digitally
signed by
MANJANNA
E
Location:
High Court
of
Karnataka,
Dharwad
Bench





R/O: AT : SHINGANAHALLI TQ: MUNDAGOD
DIST: UTTARA KANNADA - 581346

8. SMT. MAMATA W/O SUBHAS HALEBANKPUR
AGE: 43 OCC: HOUSEHOLD
R/O: AT:SHINGANAHALLI TQ: MUNDAGOD
DIST: UTTARA KANNADA-581346

9. SMT. RENUKABAI W/O RAJABA PAWAR
AGE: 41 OCC: HOUSEHOLD
R/O: AT :NEERALAGI-MAHAL-KARADAGI
TQ: SAVANUR
DIST:HAVERI-581112

10. SMT. SHOBHA W/O SATISH PAWAR
AGE: 35 OCC: HOUSEHOLD
R/O: AT :NEERALAGI-MAHAL-KARADAGI
TQ: SAVANUR DIST: HAVERI-581112

11. SMT. LALITA W/O ASHOKA KAREGALL
AGE: 54 OCC: HOUSEHOLD
R/O: AT:TILAVALLI TQ: HANGAL
DIST:HAVERI-581120

12. SHRI. KRISHNAPPA
S/O ASHOK KAREGALL ALIAS PAWAR
AGE: 32 OCC: HOUSEHOLD
R/O: AT: TILAVALLI TQ: HANGAL
DIST:HAVERI-581120

13. SMT. JYOTI W/O SANTOSH ARER
AGE: 30 OCC: HOUSEHOLD
R/O: AT: ESALE-LANDAKANAHALLI
TQ: SIRSI
DIST: UTTARA KANNADA 581402

14. SMT: SHANTAVVA
W/O BHIMAPPA DUPADAVAR
AGE: 64 OCC: HOUSEHOLD
R/O: AT:TILAVALLI TQ: HANGAL
DIST:HAVERI-581120

....APPELLANTS

(BY SRI.HARSHAWARDHANAGOUDA PATIL, ADVOCATE)



AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
M.S.BUILDING,
DR. AMBEDKAR VEEDHI,
BANGLORE-560001.

2. THE LAND TRIBUNAL HANGAL,
DIST: HAVERI
REPTD., BY ITS SECRETARY

SARASWATHI BAI
W/O LATE SHRI. RAMACHANDRA KULKARNI

(SINCE DECEASED BY HER LEGAL
REPRESENTATIVES)

3. SHRI. GURUNATH
S/O LATE RAMACHANDRA KULKARNI
AGE: MAJOR OCC: AGRICULTURE
R/O: AT:SOMAVARPET TQ: HANAGAL
DIST: HAVERI-581104

4. SHRI. ANIL
S/O LATE RAMACHANDRA KULKARNI
AGE: MAJOR OCC: AGRICULTURE
R/O: AT:SOMAVARPET TQ: HANAGAL
DIST: HAVERI-581104

5. SHRI. DATTATREYA
S/O LATE RAMACHANDRA KULKARNI
AGE: MAJOR OCC: AGRICULTURE
R/O: AT : SOMAVARPET TQ: HANAGAL
DIST: HAVERI- 581104

6. SHRI. VANAJA W/O VENKATESH
AGE: MAJOR OCC: HOUSEHOLD
R/O: AT : SOMAVARPET TQ: HANAGAL
DIST: HAVERI-581104

7. SHRI. NARASIMHA
S/O LATE SHRI. DATTATREYA KULKARNI



**NC: 2026:KHC-D:7267-DB
WA No. 100161 of 2026**

AGE: MAJOR OCC: AGRICULTURE
R/O: AT:SHAKUVANAHALLI
TQ: SORABHA
DIST: SHIMOGA - 577429

8. SHRI. BALACHANDRA S/O SHANKAR KULKARNI
AGE: MAJOR OCC: PRIVATE EMPLOYMENT
R/O: 47, KUMARA PARK GANDHI NAGAR
TQ: HUBALI DIST: DHARWAD- 580030

9. SHRI. VASANTH S/O NARASIMHA KULKARNI
AGE: MAJOR OCC: PRIVATE EMPLOYMENT
R/O: SORABHA TQ: SORABHA
DIST: SHIMOGA - 577429

SMT. UMMAKKA W/O LATE RAJAPPA KODAD
FALSELY SHOWN AS UMMAKKA
W/O HANUMANTHAGOUDA PATIL

(SINCE DECEASED BY HER LEGAL
REPRESENTATIVES)

SMT.KAMALAVVA W/O SRI NINGAPPA THOTEGAR,
(SINCE DECEASED BY HER LEGAL
REPRESENTATIVES)

10. SHRI. DEVARAJ S/O NINGAPPA TOTEGER
AGE: MAJOR OCC: AGRICULTURE
R/O: AT:SARVEKERE TQ: HANAGAL
DIST: HAVERI- 581104

11. SHRI. JAYARAM S/O NINGAPPA TOTEGER
AGE: MAJOR OCC: AGRICULTURE
R/O: AT:SARVEKERE TQ: HANAGAL
DIST: HAVERI- 581104

SMT. SHASHIKALA
D/O NINGAPPA TOTEGER
SINCE DECEASED BY HER LRS

SHRI. ASHOKA S/O PARASAPPA
SINCE DECEASED BY HIS LRS



12. SMT. POOJA D/O ASHOK GURAJAMMANAVAR
AGE: 22 OCC: STUDENT
R/O: AT : HALEBANKAPUR
TQ: SHIGGAON
DIST: HAVERI- 581202

13. SHRI. PRAJWAL
S/O ASHOK GURAJAMMANAVAR
AGE:25 OCC: STUDENT
R/O: AT : HALEBANKAPUR
TQ: SHIGGAON
DIST: HAVERI- 581202

14. SHRI. PRABHU
S/O ASHOK GURAJAMMANAVAR
AGE:20 OCC: STUDENT
R/O: AT:HALEBANKAPUR
TQ: SHIGGAON
DIST: HAVERI- 581202

15. SMT. GIRIJAVVA
D/O NINGAPPA TOTEGAR AGE: MAJOR
OCC: HOUSEHOLD WORK
R/O: AT : SARVEKERE TQ: HANAGAL
DIST: HAVERI-581104

16. SMT. LAKSHMAVVA
W/O GANESHAPPA BALAMEED
AGE: MAJOR OCC: HOUSEHOLD WORK
R/O: TALAGADDI TQ: SORABHA
DIST: SHIMOGA - 577419

NAGAPPA S/O FAKIRAPPA KODAD
(SINCE DECEASED BY HER LEGAL
REPRESENTATIVES)

SMT. SHIVAKKA W/O LATE SHRI NAGAPPA PATIL
(SINCE DECEASED BY HER LEGAL
REPRESENTATIVES)

17. SMT. PEERAVVA W/O NAGAPPA SALUNKE
AGE:68 YEARS OCC: HOUSEHOLD WORK
R/O:AREGOPPA, HIREKANAGI POST
TALUK: HANGAL DIST: HAVERI-581104



**NC: 2026:KHC-D:7267-DB
WA No. 100161 of 2026**

18. SMT. SHARAVVA W/O MAHADEVAPPA
CHANNAPUR AGE: 70 YEARS
OCC: HOUSEHOLD WORK
R/O: DESAI KALLAPURA AKKIALUR
TALUK: HANGAL DIST: HAVERI-581102

19. SMT. GOURAVVA
W/O KRISHNAPPA LAKMOJI CHANNAPUR
AGE:72 YEARS OCC: HOUSEHOLD WORK
R/O: YANALLI, TILIVALLI POST
TALUK: HANGAL DIST: HAVERI-581120

20. SMT. RATNAVVA W/O VASAPPA DOMBAL
AGE:53 YEARS OCC: HOUSEHOLD WORK
R/O: LAKSHMESHVAR
TALUK: SHIRAHATTI DIST: GADAG-582116

21. SMT.SAVITRAVVA
W/O JAGANNATH HANAKANAHALLI
AGE:58 YEARS OCC: HOUSEHOLD WORK
R/O: KONANKERE, TALUK: SHIGGAON
DIST. HAVERI-581193

...RESPONDENTS

(BY SRI. T. HANUMAREDDY, AGA FOR R1 AND R2;
NOTICE TO R3 TO R9 IS DISPENSED WITH;
R10 TO R14 AND R16 ARE SERVED
SRI. SHRIHARSH A. NEELOPANT, ADVOCATE FOR R17 TO R21)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT
ACT, 1961, PRAYING THIS HON BLE COURT TO:

- A) SET ASIDE THE ORDER PASSED BY LEARNED SINGLE JUDGE
DATED 08/02/2024 PASSED IN WRIT PETITION NO.67152/2011
BY ALLOWING THIS WRIT APPEAL AND REMAND THE MATTER
BEFORE THE LEARNED SINGLE JUDGE FOR FRESH
CONSIDERATION BY GIVING THE OPPORTUNITY TO THE
APPELLANTS HEREIN TO CONTEST THE MATTER.
- B) CONSEQUENTLY, SET ASIDE THE ORDER PASSED BY THE LAND
TRIBUNAL, HANGAL DATED 20/10/2025 IN LRMSR
44/60+67+76 IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT
WAS DELIVERED THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV
AND
THE HON'BLE MRS JUSTICE K.G.SHANTHI

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV))

The appellants herein have sought to challenge the order passed in WP No.67152/2011. By virtue of the said order passed in the writ petition referred to, the learned Single Judge had set aside the order of the Tribunal conferring the occupancy rights filed by the deceased respondent No.7 in the writ proceedings and Form No.7 filed by one Nagappa deceased father of the petitioners came to be allowed. Further direction was passed directing passing of order to grant occupancy rights in favour of the petitioners upon deposit of the premium amount.

2. The appellants have filed an application seeking for permission to prosecute the present proceedings. The appellants herein admittedly were not parties arrayed in the writ proceedings. Certain averments are made detailing the



rights of the appellants at para No.3 of the affidavit, the same reads as follows;

"3. I state that the original Tenant Rajappa had 2 wives namely Lakshnavva and Ummakka. The Land Tribunal has granted occupancy rights to the children of both the wife as the LS's of Rajappa. The present appellants are the LR's of Smt.Lakshnavva. But, the petitioners without arraying us to the writ proceedings the petitioners and the respondents No.10 to 13 have colluded with the each other filed the writ petition and the learned Single Judge allowed the writ petition. Now on the strength of the order passed in the writ petition, the writ petitioners have got the order from the land Tribunal and respondents are trying to change the name in revenue records. Hence it is necessary to prosecute the appeal."

3. It is the case of the appellants herein who have filed an application to prosecute the proceedings that the petitioners in the writ proceedings ought to have arrayed the appellants herein as necessary parties.



4. It would be appropriate taking note that the appellants herein were not parties in the writ proceedings to initiate appropriate proceedings by way of a separate writ. Taking note of the observations made by the Apex Court in the case of ***Shivdeo Singh and Others Vs. State of Punjab and Others*** reported in ***AIR 1963 SC 1909*** as well as observations made by the Apex Court in the case of ***Pohla Singh @ Pohla Ram deceased by LRs Vs. State of Punjab and Others*** reported in ***(2004) 6 SCC 126***. The appellants are at liberty to seek for proper relief as against the order passed by the learned Single Judge by way of a separate writ. In light of the observations made in the above two judgments referred, all contentions of the appellants raised herein are kept open. Accordingly, writ appeal is ***disposed of*** in light of the discussion made above. Pending I.As are also disposed of. However, I.A No.2/2026 is allowed for the limited purpose and entertaining the appeal in light of the order passed.



5. I.A No.1/2026 is allowed and delay in filing the appeal is condoned. All other contentions on merits of both sides are kept open. Any action taken by the respondents would be subject to out come of the proceedings as may be initiated by the appellants herein.

**Sd/-
(S.SUNIL DUTT YADAV)
JUDGE**

**Sd/-
(K.G.SHANTHI)
JUDGE**

PJ/CT:ANB
List No.: 1 Sl No.: 19