

WA NO. 100244/2025 (LR)
C/w: WA NO. 100170/2025

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

[RATNAVVA ALIAS RATNAMMA W/O HANUMANTAPPA
BHAJANTRI AND OTHERS
VS. THE STATE OF KARNATAKA AND OTHERS]

23.03.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR JUSTICE B.M.SHYAM PRASAD
and
HON'BLE MR JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE B.M.SHYAM PRASAD)

Ms. Surabhi Kulkarni, the learned counsel for the appellants, Mr. F. V. Patil, the learned counsel for the separate contesting respondents in these appeals, and Mr. Praveen Uppar, the learned High Court Government Pleader, are heard preliminarily. For the purpose of the context in which the question/s for consideration must be formulated, the controversy is recorded in the following terms.

2. The appellants do not dispute that the contesting respondents' predecessor-in-interest [Mr. Bishtappayya Mahadevayya Mahapurasha] was the owner of the lands in Survey Nos. 81/1A, 85/1A, and 143 of Mevundi Village, and that a total extent of 228 acres 27 guntas in these survey

numbers [*along with certain survey numbers of another village*] has been adjudicated as *surplus land* as contemplated under Section 67 the Karnataka Land Reforms Act, 1961. However, the appellants assert that, following the Land Tribunal's decision on 20.04.1998 declaring these lands as surplus, the possession is taken on 27.01.1999 followed by a notification under Section 73 of the Act and grant of certain portions of the surplus land in their favour on 09.12.1999. The appellants rely upon the Notification dated 07.09.1999 calling for applications.

3. The contesting respondents have called in question the Land Tribunal's order dated 20.04.1998 in the years 2014 and 2023 respectively without calling in question the notification dated 11.02.1999 issued under Section 73 of the Act or the orders of distribution/grant under Section 77 as asserted by the appellants.

4. The merits of the order under Section 67 must be examined under Section 112-B(bbbbb) of the Act, and the merits of the decision to grant/ distribute the *surplus land* must be examined by the Karnataka Appellate Tribunal

under Section 118(2) of the Act. The writ petitions have been disposed of without hearing the appellants, restoring the matter for reconsideration by the Land Tribunal. The appellants have now been permitted by this Court to prosecute these writ appeals.

5. The question for consideration in these circumstances, apart from the questions on delay and suppression of facts, will be:

[a] whether this Court must dispose of the writ appeals permitting the contesting respondents to seek adjudication of their grievances before the Land Tribunal under Section 112-B of the Act, and

[b] if they are given such liberty, would this Court be conferring a jurisdiction on the Land Tribunal to decide on the merits of the orders under Section 77 of the Act which must be examined by the Karnataka Appellate Tribunal.

For written submissions in the light of the question so framed, the Office is directed to re-list these appeals is **15.04.2026.**

The interim order granted earlier shall continue to be in force until further orders.

(B.M.SHYAM PRASAD)
JUDGE

(SHIVASHANKAR AMARANNAVAR)
JUDGE

Vnp
List No.: 1 Sl No.: 4