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NC: 2026:KHC-D:5506-DB
WA No. 100244 of 2025
C/W WA No. 100170 of 2025

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 15TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT APPEAL NO.100244 OF 2025 (LR)

C/W

WRIT APPEAL NO.100170 OF 2025

IN WA NO.100244/2025:

BETWEEN:

1. RATNAVVA @ RATNAMMA
W/O. HANUMANTAPPA BHAJANTRI,
AGE: 57 YEARS, OCC: AGRICULTURE,
R/O. GALAGANATH,
BELIVIGI-581108, DIST: HAVERI.
2. JAGADEESH
S/O. DURGAPPA MUDIYAMMANAVAR,
AGE: 58 YEARS, OCC: AGRICULTURE,
R/O. GALAGANATH, BELIVIGI-581108,
DIST: HAVERI.
3. HANAMAPPA S/O. BHIMAPPA DABALI
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O. MEVUNDI, NIRALAGI,
DIST: HAVERI-581108.
4. ALLASAB S/O. PAKKIRASAB KABBERAHALLI
AGE: 53 YEARS, OCC: AGRICULTURE,
R/O. MEVUNDI, NIRALAGI,
DIST: HAVERI-581108.
5. NAGAPPA S/O. FAKIRAPPA KITTUR
AGE: 56 YEARS, OCC: AGRICULTURE,

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VANAMALA N
Location:
HIGH COURT
OF
KARNATAKA



- R/O. MEVUNDI, NIRALAGI,
DIST: HAVERI-581108.
6. PREMAKKA W/O. DYAMAPPA KARADI
AGE: 58 YEARS, OCC: AGRICULTURE,
R/O. MEVUNDI, DIST: HAVERI-581108.
 7. CHANNABASAVVA W/O. MANTESH KANAKOD
AGE: 55 YEARS, OCC: AGRICULTURE,
R/O. MEVUNDI, NIRALAGI,
DIST: HAVERI-581108.
 8. GANGAVVA W/O. GUDDAPPA YALAGACHCH
AGE: 63 YEARS, OCC: AGRICULTURE,
R/O. MEVUNDI, NIRALAGI,
DIST: HAVERI-581108.
 9. MANJAPPA S/O. GOVINDAPPA NARAYANI
AGE: 56 YEARS, OCC: AGRICULTURE,
R/O. MEVUNDI, NIRALAGI,
DIST: HAVERI-581108.
 10. MODINSAB S/O. HUSSAINSAB NADAF
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O. MEVUNDI, NIRALAGI,
DIST: HAVERI-581108.
 11. VASAPPA S/O. HANAMAPPA PARARI
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O. MEVUNDI, NIRALAGI,
DIST: HAVERI-581108.
 12. SHANMUKHAPPA S/O. RAMAPPA PUJAR
AGE: 60 YEARS, OCC: AGRICULTURE,
R/O. MEVUNDI, NIRALAGI,
DIST: HAVERI-581108.
 13. PARAMESHAPPA S/O. RAMAPPA PUJAR
AGE: 61 YEARS, OCC: AGRICULTURE,
R/O. MEVUNDI, NIRALAGI,
DIST: HAVERI-581108.



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14. ALLABAKSH S/O. DAVALSAB VADAVI
AGE: 51 YEARS, OCC: AGRICULTURE,
R/O. GUYILAGUNDI ASHRAYA PLOT,
NIRALAGI-M-GUTTAL, DIST: HAVERI-581108.
15. NINGAPPA S/O. NEELAPPA MALLAPUR
AGE: 61 YEARS, OCC: AGRICULTURE,
R/O. RANEBENNUR, HULLATTI,
DIST: HAVERI-581115.

...APPELLANTS

(BY SRI. ABHISHEK G.HOSAKERI, ADVOCATE FOR
SRI. IRANAGOUDA K.KABBUR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S BUILDING, AMBEDKAR VEEDHI,
BENGALURU-560001.
2. THE LAND TRIBUNAL
HAVERI, REPRESENT BY ITS CHAIRMAN,
TAL: AND DIST: HAVERI-581110.
3. SHIVAPPAIAH
S/O. LATE BISHATAPPAIAH MAHAPURUSH,
AGE: 57 YEARS, OCC: AGRICULTURE,
R/O. MEVUDNI-581110, TAL: AND DIST: HAVERI.
4. THE DEPUTY COMMISSIONER
HAVERI, DIST: HAVERI-581110.
5. THE ASSISTANT COMMISSIONER
HAVERI, TAL: AND DIST: HAVERI-581110.
6. THE TAHASILDAR
HAVERI, TAL: AND DIST: HAVERI-581110.

...RESPONDENTS



(BY SRI. PRAVEEN UPPAR, AGA FOR R1, R2, R4 TO R6;
SRI. F.V.PATIL, ADVOCATE FOR R3)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 07.09.2023 PASSED IN WP NO.104663/2023 BY THE LEARNED SINGLE JUDGE, AND DISMISS THE WRIT PETITION, IN THE INTERESTS OF JUSTICE AND EQUITY.

IN WA NO.100170/2025:

BETWEEN:

1. SURESHAPPA
S/O. NEELAPPA MUDIYAMMANAVAR,
AGE: 64 YEARS, OCC: AGRICULTURE,
R/O. GALAGANATH, BELIVIGI-581108,
DIST: HAVERI.
2. NAGAPPA S/O. GONNEPPA BHAJANTRI
AGE: 63 YEARS, OCC: AGRICULTURE,
R/O. GALAGANATH, BELIVIGI-581108,
DIST: HAVERI.
3. HALAPPA
S/O. NEELAPPA MUDIYAMMANAVAR,
AGE: 56 YEARS, OCC: AGRICULTURE,
R/O. GALAGANATH, BELIVIGI-581108,
DIST: HAVERI.
4. HANUMANTHAPPA S/O. NEELAPPA
MUDIYAMMANAVAR,
AGE: 64 YEARS, OCC: AGRICULTURE,
R/O. GALAGANATH, BELIVIGI-581108,
DIST: HAVERI.
5. SHIVAJEPPA S/O. SHANKREPPA HEBBARE
AGE: 70 YEARS, OCC: AGRICULTURE,
R/O. GALAGANATH, BELIVIGI-581108,



DIST: HAVERI.

6. BASAVANNEVVA W/O. SURESH BHAJANTRI
AGE: 61 YEARS, OCC: AGRICULTURE,
R/O. GALAGANATH, BELIVIGI-581108,
DIST: HAVERI.
7. RAMAPPA S/O. HANUMANTHAPPA KARADI
AGE: 71 YEARS, OCC: AGRICULTURE,
R/O. GALAGANATH, BELIVIGI-581108,
DIST: HAVERI.
8. BASAPPA S/O. DYAMAPPA MALAMMANAVAR
AGE: 49 YEARS, OCC: AGRICULTURE,
R/O. GALAGANATH, BELIVIGI-581108,
DIST: HAVERI.
9. RAJABI W/O. MOULASAB KONCHALAGERI
AGE: 79 YEARS, OCC: AGRICULTURE,
R/O. GALAGANATH, BELIVIGI-581108,
DIST: HAVERI.

...APPELLANTS

(BY SMT. SURABHI KULKARNI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S BUILDING, AMBEDKAR VEEDHI,
BENGALURU-560001.
2. THE LAND TRIBUNAL
HAVERI, REPRESENT BY ITS CHAIRMAN,
TAL: AND DIST: HAVERI-581110.
3. NANDATAI D/O. BHISTAPPIAH MAHAPURASHA
AFTER MARRIAGE KNOWN AS



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VASUNDHARA W/O. VINAYAK DESAI,
AGE: 66 YEARS, OCC: AGRICULTURE,
R/O. HUBLI, ALSO AT: BANASHANKARI
3RD PHASE, BENGALURU-560085.

4. THE DEPUTY COMMISSIONER
HAVERI, DIST: HAVERI-581110.
5. THE ASSISTANT COMMISSIONER
HAVERI, TAL: AND DIST: HAVERI-581110.
6. THE TAHASILDAR
HAVERI, TAL: AND DIST: HAVERI-581110.

...RESPONDENTS

(BY SRI. PRAVEEN UPPAR, AGA FOR R1, R2, R4 TO R6;
SRI. F.V.PATIL, ADVOCATE FOR R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET
ASIDE THE ORDER DATED 29.11.2022 PASSED IN
W.P.NO.106907/2014 BY THE LEARNED SINGLE
JUDGE, AND DISMISS THE WRIT PETITION, IN THE
INTERESTS OF JUSTICE AND EQUITY.

THESE APPEALS COMING ON FOR PRELIMINARY
HEARING, THIS DAY, JUDGMENT WAS DELIVERED
THEREIN AS UNDER:

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

AND

HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL JUDGMENT

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

These writ appeals are as against the writ Court's similar orders. The writ Court's order dated 07.09.2023 in W.P.No.104663 of 2023 is impugned in W.A.No.100244 of 2025 because of the writ Court's order dated 29.11.2023 in W.P.No.106907 of 2014, which is called in question in W.A.No.100170 of 2025. The writ Court, by these impugned orders dated 07.09.2023 and 29.11.2023, has interfered with the orders dated 20.04.1998 by the second respondent under Section 67 of the Karnataka Land Reforms Act, 1961 [for short, "*the KLR Act*"] insofar as certain portions of lands in Survey Nos.85/2/1A/1, 81/2/1A/1 and Survey No.143 of Mevundi Village, Haveri Taluka and District.

2. The writ Court has restored the proceedings to the second respondent for reconsideration with a direction that the



reconsideration must be completed within three months observing that the concerned petitioners' case that these lands are not agricultural lands must also be considered. These writ appeals are by those who assert that the possession of the lands declared as '*surplus holding*' is taken on 27.01.1999 after the adjudication under Section 67 of the KLR Act followed by a notification under Section 73 of the KLR Act. The appellants contend that certain portions of the lands declared as '*surplus holding*' are granted to them as is permissible, but the writ Court's impugned orders interfere with their rights.

3. The dispute relates to the declaration of a *surplus holding* and the allotment thereof, and the controversy in these regards is not examined within the statutory framework. This Court, on 23.03.2026, after hearing Ms. Surabhi Kulkarni, the learned counsel for the appellants, and Sri F. V. Patil, the learned counsel for the contesting respondents, has



formulated questions for consideration observing that if the merits of the adjudication of the lands being surplus must be examined under Section 112(B)(bbbbbb) of the KLR Act, the merits of the decision to grant ‘*surplus holding*’ as asserted by the appellants will have to be considered under Section 118(2) of the KLR Act and by the Appellate Tribunal. This Court has formulated the following two questions.

[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.



4. Sri F.V. Patil submits that, after this Court's order dated 23.03.2026, the contesting respondents have filed their respective writ petitions in W.P.No.102920 of 2026 and in W.P.No.102921 of 2026 arraying the appellants as parties, and the writ Court has also issued directions on service of notice. The learned counsel submits that this Court must consider, for disposal of these writ appeals, that the contesting respondents have filed the afore respective writ petitions specifically contending that:

- Mr. Bishtappayya Mahadevayya Mahapurush [*the propositus and in whose name the revenue records for the subject property were made*] had filed a declaration on *surplus holding* without disclosing the oral partition in the family, and
- the adjudication on '*surplus holding*' under Section 67 of the KLR Act is concluded without notice to the contesting respondents who by then had acquired vested interest in the



corresponding portions of these lands because of the oral partition.

5. Sri F. V. Patil emphasizes that if the contesting respondents can demonstrate that the adjudication is without notice to them, the adjudication of the the alleged '*surplus holding*' must yield, and so must all subsequent grants that could be in favour of the appellants. The learned counsel submits that, therefore, this Court may dispose of these appeals observing that the writ Court's impugned directions would be subject to the outcome in the now instituted writ petitions in W.P. Nos.102920 and 102921 of 2026.

6. Ms. Surabhi Kulkarni submits that the writ Court's impugned orders is only because of the contesting respondents' case that they had set up defence of oral partition with the Land Tribunal but that had not been considered, and the learned



counsel argues that now that the contesting respondents have filed their writ petitions challenging the adjudication under Section 67 of the KLR Act, including the appellants as party respondents, this Court may interfere with the impugned orders and restore the writ petitions for re-consideration for a comprehensive decision on all aspects of the matter. The learned counsel invites this Court's attention to this Court's order dated 05.02.2026 to assert that in the peculiar circumstances of these appeals, this Court has not only condoned the delay in filing the appeals but has also permitted the appellants to prosecute their grievance against the writ Court's orders in the present appeals.

7. In rejoinder, Sri F. V. Patil, alluding to certain hearings before the previous Bench, submits that the appellants have no *locus*, and because the appellants have no *locus*, this Court may not interfere with the writ Court's impugned orders except to



observe that these impugned orders would be subject to the outcome in the now instituted writ petitions in W.P.Nos.102920 and 102921 of 2026. The learned counsel also canvasses that the appellants seek to challenge the contesting respondents' rights asserting that the contesting respondents cannot set up a registered partition and rely upon oral partition, but that question is no longer *res integra* in view of the decision of the Full Bench of this Court in ***Basana Gauda vs. The Land Tribunal, by its Secretary, Raichur and Another*** reported in ***ILR 2004 Kar 2413***.

8. This Court must record that the resolution of rival claims to substantial portions of the lands in Survey Nos.85/2/1A/1 and 81/2/1A/1 and Survey No.143 of Mevundi village, Haveri Taluk and District would involve a decision on whether the Land Tribunal, [*the second respondent*] is justified in its adjudication on '*surplus holding*' by the



propositus, Mr. Bishtappayya Mahadevayya Mahapurush, and whether the redistribution as asserted by the appellants is after taking due possession of the lands as contemplated under Chapter VI of the KLR Act.

9. As of today, the second question is still at large with the contesting respondents filing their writ petitions in W.P.Nos.102920 and 102921 of 2026, and the first question is presented for re-examination in these appeals. Though the writ petitions in W.P.Nos.102920 and 102921 of 2026 are filed after the previous hearing date in these appeals, this Court opines that every question relating to adjudication on '*surplus holding*' and the divesting of all rights, including taking possession upon such adjudication order, must be examined in these two now instituted writ petitions. As such, the only question that remains is whether the appellants can justify their case that the writ Court could not have interfered



with the adjudication order insofar as the extents claimed by the contesting respondents.

10. As is obvious from the questions already formulated, if there is to be a decision other than by the writ Court in exercise of powers under Article 226 of the Constitution of India, the different fora will be called upon to decide on questions that could affect the outcome. The trite position in law is that there must be a comprehensive adjudication with repose against a perpetual litigation. This Court, on a careful consideration of all the circumstances as aforesaid, opines that the writ Court, while considering the merits of the grievance as canvassed in W.P.Nos.102920 and 102921 of 2026, must consider the appellants' grievance as well. This would enable a comprehensive adjudication, and hence, this Court interferes with the writ Court's order to the limited



extent of restoring for due consideration observing that all questions are left open. Hence, the following.

ORDER

[i] The writ appeals are **allowed** setting aside the writ Court's impugned orders but restoring the writ petitions for due consideration along with the writ petitions in W.P.Nos.102920 and 102921 of 2026 observing that all dimensions of the dispute are left open to be considered.

[ii] The contesting respondents are called upon to file impleading applications to implead the appellants in the corresponding petitions by **15.06.2026** and observing that if the contesting respondents do not file such applications, it shall be open to the appellants to file necessary applications



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[iii] The interim arrangement granted by this Court shall continue to be in force, but with liberty to the contesting respondents to make appropriate application for the arrangement that should be during the pendency of the writ petitions.

Sd/-
(B.M. SHYAM PRASAD)
JUDGE

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

VNP-para 1 to 3
KGK-para 4 till end
CT:VH:List No.: 1 Sl No.: 7