



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 4TH DAY OF FEBRUARY 2026
BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA
WRIT PETITION NO. 81766 OF 2013 (LR)

BETWEEN:

SRI. SURESH S/O. GANAPATRAO DALVI
AGE: 64 YEARS, OCC: LEGAL PRACTITIONER
AND AGRICULTURE, R/O. CTS NO.1341,
RAMLING KHIND GALLI, BELGAUM.

...PETITIONER

(BY SRI. RAMESH N.MISALE, ADVOCATE)

AND:

1. SRI. PANDURANG S/O. KRISHNA PUJARI
CALLING HIMSELF AS ADOPTED SON OF
LATE VISHNU MAHADEV PUJARI,
SINCE DECEASED REPRESENTED BY HIS LRs.,
- 1(A). SMT. DROUPDA W/O. PANDURANG PUJARI
AGE: 73 YEARS,
OCC: AGRICULTURE AND HOUSEHOLD,
R/O. CTS NO.1583, MARUTI GALLI,
BELGAUM, TQ. AND DIST. BELAGAVI.
- 1(B). SMT. SHANTA D/O. PANDURANG PUJARI
AFTER MARRIAGE SMT. SHANTA ASHOK
KANGRALKAR, AGE: 49 YEARS,
OCC: AGRICULTURE AND HOUSEHOLD,
R/O. 224/185B, 4TH CROSS, FULBAG GALLI,
BELAGAVI, TQ. AND DIST. BELAGAVI.
- 1(C). SMT. GEETA D/O. PANDURANG PUJARI
AFTER MARRIAGE
SMT. GEETA GAJANAN BHATKANDE,
AGE: 36 YEARS,
OCC: AGRICULTURE AND HOUSEHOLD,
R/O. 1583, MARUTI GALLI,
BELAGAVI, TQ. AND DIST. BELAGAVI.





- 1(D). SHRI. ARUN S/O. PANDURANG PUJARI
AGE: 48 YEARS, OCC: AGRICULTURE,
R/O. 1583, MARUTI GALLI,
BELAGAVI, TQ. AND DIST. BELAGAVI.
2. SRI. HANAMANTH S/O. GANESH DESHAPANDE
AGE: MAJOR, OCC: NIL,
R/O: DESHAPADNE GALLI, BELGAUM.
3. SRI. NARAYAN RAMACHADRA GRAMOPADYA
AGE: MAJOR, OCC: NIL,
R/O: KELKAR BHAG, BELGAUM.
4. THE LAND TRIBUNAL BELGAUM
BELGAUM, BELGAUM.

...RESPONDENTS

(BY SRI. D.RAVIKUMAR GOKAKKAR AND
SMT. CHETANA S.BIRAJ, ADVOCATES FOR R1(A) TO R1(D),
REP. BY GPA HOLDER R1(D);
SMT. NANDINI B.SOMAPUR, AGA FOR R4;
VIDE ORDER DATED 04.12.2025, PETITION AGAINST
R2 AND R3 IS DISMISSED AS NOT PRESSED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, PRAYING TO SETTING ASIDE THE
ORDER DATED 24.09.1979 BEARING NO.KLR/BGM/SR-205 PASSED BY
THE 4TH RESPONDENT/LAND TRIBUNAL BELGAUM MARKED AS
ANNEXURE-A; SETTING ASIDE THE ORDER DATED 02.02.1981
BEARING NO.KLR/BGM/SR-206 PASSED BY 4TH RESPONDENT/LAND
TRIBUNAL BELGAUM MARKED AS ANNEXURE-B AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA



ORAL ORDER

The petitioner has called in question the orders dated 24.09.1979 and 02.02.1981 (Annexure-A) and (Annexure-B) passed by respondent No.4-Land Tribunal, Belagavi respectively, granting occupancy rights in respect of subject land.

2. **Brief facts;**

The case of the petitioner is that the subject lands originally belonged to the landlords and were lawfully cultivated by late Sri. Vishnu Mahadev Pujari, who was a protected tenant. After coming into force of the Karnataka Land Reform Act, 1974 ('Act' for short), Form No.7 was filed seeking grant of occupancy rights. The grievance of the petitioner is that the Land Tribunal granted occupancy rights in favour of Sri.Pandurang Pujari, who claimed to be the adopted son of late Sri.Vishnu Mahadev Pujari, though according to the petitioner there was no valid adoption and material facts were suppressed before the Land Tribunal.



3. Learned counsel appearing for the respondents raised a preliminary objections with regard to the maintainability of the writ petition, contending that the petitioner had earlier challenged the very same orders of the Land Tribunal by filing WP No.66274-75/2012(LR). The said writ petition was dismissed as withdrawn by order dated 21.02.2013, without reserving any liberty to file a fresh writ petition, it is therefore contended that the present writ petition is an abuse of process of Court.

4. This Court has carefully considered the rival submissions and perused the material placed on record.

5. It is not in dispute that the impugned orders are of the year 1979-81. It is also an admitted fact that the petitioner had earlier approached this Court in WP No.66274-75/2012(LR), challenging the very same order.

6. A perusal of the order dated 21.02.2013, passed in the earlier writ petition clearly discloses that this Court recorded a finding that there was an unexplained delay of



more than 33 years and at paragraph Nos.2 and 3 has held as under;

"2. The impugned orders are passed in the year 1979 and 1981. There is delay of over 33 years. The petitioner is guilty of the unexplained delay of over 33 years. When these petitions were about to be dismissed on the ground of delay and laches, the petitioner's learned advocate seeks leave of the Court to withdraw these petitions with a liberty to file the fresh petitions explaining the delay.

3. These petitions are dismissed as withdrawn. There is no question of reserving the liberty to the petitioner. The petitioner can exercise such liberty if he has it in law. The office is directed to return the certified copies of the annexures after taking their xerox copies from the petitioner's side for the record purpose."

Emphasis supplied

7. This Court observed that when the petition is about to be dismissed on the ground of delay and laches, learned counsel for the petitioner sought leave to withdraw



the petition with liberty to file petition explaining the delay. This Court categorically declined to reserve such liberty and dismissed the writ petition as withdrawn.

8. In the absence of any liberty having been granted by this Court, the petitioner cannot be permitted to re-agitate the very same cause of action by filing the present writ petition. The attempt to explain the delay in the present writ petition, cannot revive a stale and concluded issue, particularly when earlier proceedings were terminated without liberty. Entertaining a writ petition after several decades, especially after an earlier challenge has failed, would unsettle settled rights and defeat the object of finality.

9. Though, this Court finds that the petitioner is liable to be saddled with costs, having regard to the repeated challenge to the very same orders of the Land Tribunal, this Court refrains from imposing costs,



**NC: 2026:KHC-D:1613
WP No. 81766 of 2013**

considering the nature of dispute and the circumstances of the case. Accordingly, the writ petition is ***dismissed***.

**Sd/-
JUSTICE K.S.HEMALEKHA**

PJ/Ct:VH
List No.: 1 Sl No.: 49