



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201136 OF 2022 (LR-)

BETWEEN:

RUPSINGH S/O MANSINGH LAMANI,
SINCE DECEASED BY HIS L.RS./ASSIGNEES,

- 1(A) SONUBAI W/O. KASHINATH LAMANI,
@ RATHOD, AGE 56 YEARS,
OCC: HOUSEHOLD,
- 1(B) JAYASHRI S/O. PRABHAKAR CHAVAN,
AGE 44 YEARS, OCC: HOUSEHOLD,
- 1(C) PRAVEEN KUMAR S/O. KASHINATH LAMANI,
@ RATHOD, AGE 41 YEARS,
OCC: AGRICULTURE
- 1(D) VIJAYASHRI D/O. KASHINATH LAMANI,
@ RATHOD, AGE 38 YEARS,
OCC: AGRICULTURE,
- 1(E) RAJASHREE W/O. PRASAD CHAVAN,
AGE 37 YEARS, OCC: HOUSEHOLD,
- 1(F) ARATI W/O. PRAVEEN KUMAR LAMANI,
@ RATHOD, AGE 30 YEARS,
OCC: HOUSEHOLD WORK

ALL THROUGH SPA HOLDER PRAVEEN KUMAR,
R/O. WARD NO.4, BANJARA COLONY, SOLAPUR ROAD,
KHB COLONY, VIJAYAPUR-585103





...PETITIONERS

(BY SRI. B D HANGARKI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY TO REVENUE DEPARTMENT,
M S BUILDING, VIDHAN SOUDHA,
BANGALORE-1
2. THE LAND TRIBUNAL BY ITS CHAIRMAN
THE ASSISTANT COMMISSIONER,
VIJAYAPUR, TQ AND DIST.VIJAYAPUR-586101
3. SONUBAI W/O TALAJU LAMANI
SINCE DECEASED BY HER LRS
 - A. YESU S/O TULAJU LAMANI,
AGE 65 YRS., OCC.AGRI.
 - B. VASRAM S/O TULAJU LAMANI
AGE 58 YRS, OCC.AGRI.,
 - C. KAMALABAI W/O NATU LAMANI
AGE 49 YRS, OCC.HOUSEHOLD,

ALL R/O ANKALAGI,
TQ AND DIST.VIJAYAPUR-586127

...RESPONDENTS

(SRI. SHESHADRI JAISHANKAR AGA FOR R1 & R2;
SRI. S.D.RATHOD, ADV. FOR R3(A) TO R3(C))

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 OF
THE CONSTITUTION OF INDIA, PRAYING TO, A) A WRIT OF
CERTIORARI BE ISSUED QUASHING THE ORDER PASSED BY THE
LAND TRIBUNAL, VIJAYAPUR IN FILE NO. KLR, SR.36/ANKALAGI
DT. 10.03.2022 PRODUCED AT ANNEXURE-R, IN RESPECT OF
LAND SY NO. 45/2B MEASURING 30 A 16 Gs OF VILLAGE



ANKALAGI TQ AND DIST. VIJAYAPURA; B) ISSUE ANY OTHER WRIT, ORDER OR DIRECTION AS THIS HONOURABLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

1. This writ petition under Articles 226 & 227 of the Constitution of India is filed seeking for the following reliefs:

(a) A writ of Certiorari be issued quashing the order passed by the Land Tribunal, Vijayapur in file No.KLR.SR.36/Ankalagi, Dt. 10.03.2022 produced at Annexure-R in respect of land Sy.No.45/2B, measuring 30A 16 G's of village Ankalagi, Tq. & Dist. Vijayapur;

(b) Issue any other writ, order or direction as this Hon'ble Court deems fit in the circumstances of the case in the interest of justice and equity.

2. Heard the learned counsels for the parties.

3. The petitioner had purchased the land bearing R.S.No.45/2B, measuring 30 acres 16 guntas situated at Ankalagi village, taluk & district Vijayapura, under a



registered sale deed dated 10.09.1968. It appears that, subsequently the 3rd respondent herein namely Sonubai had filed Form No.7 claiming occupancy rights of the aforesaid land and the Land Tribunal had originally granted occupancy rights of the aforesaid land to the extent of 5 acres by order dated 03.10.1981. The said order was questioned by Sonubai in W.P.No.22781/1981 which was allowed and the matter was remanded to the Tribunal to hold a fresh enquiry. On 27.06.1988, the Land Tribunal passed a fresh order rejecting Form No.7 filed by the tenant Smt. Sonubai which was questioned by her in W.P.No.323/1993 and the matter was once again remanded to the Tribunal for holding a fresh enquiry. Thereafter, the Tribunal granted occupancy rights of the aforesaid land vide order dated 13.11.1998 which was questioned by the petitioner in W.P.No.35657-58/1998. The said writ petition was allowed and the matter was remanded to the Tribunal by order dated 15.02.1999. Thereafter, vide the order impugned dated 10.03.2022 the Land Tribunal has granted occupancy rights of the aforesaid land along with land bearing R.S.No.45/2A, measuring 12 acres 05 guntas



which belongs to one Bhimasingh Sitaram Lamani. Aggrieved by the aforesaid order dated 10.03.2022 insofar as it relates to granting of occupancy rights of the land bearing R.S.No.45/2B, measuring 30 acres 16 guntas, the petitioner is before this Court.

4. Learned counsel for the petitioner having reiterated the grounds urged in the petition submits that, though this Court in W.P.no.35657-58/1998 had granted permission to the petitioner to cross-examine Sonubai, she had never appeared before the Tribunal for her cross-examination. Smt. Sonubai died on 02.01.2007. Though her legal representatives were brought on record in the year 2010, they had not led any evidence before the Tribunal. Only her alleged Power of Attorney Holder namely Shankar Gangu Lamani had filed his affidavit in lieu of his examination-in-chief before the Tribunal in the year 2005. After death of Smt. Sonubai in the year 2007, he could not have been cross-examined by the petitioner, since he had no authority to represent Smt. Sonubai. Accordingly, he prays to allow the petition.



5. *Per contra*, learned counsel appearing on behalf of the legal representatives of the deceased respondent No.3 namely Smt. Sonubai has argued in support of the impugned order. He submits that, though sufficient opportunity was granted to the petitioner, he has failed to cross-examine the witness examined on behalf of the tenant before the Tribunal for a period of nearly 21 years. He submits that, the Tribunal based on the records produced before it, has rightly granted occupancy rights of the land in question in favour of Smt. Sonubai. Even the finding recorded in O.S.No.257/1967 would go to show that, Smt. Sonubai was in occupation and cultivation of the land in question. Accordingly, he prays to dismiss the petition.

6. Perusal of the material on record would go to show that, Smt. Sonubai has made two separate claims in respect of the land bearing R.S.No.45/2A, measuring 12 acres 05 guntas and R.S.No.45/2B, measuring 30 acres 16 guntas, situated at Ankalagi village, Taluka and district Vijayapura. Insofar as the petitioner is concerned, he has purchased only the land bearing R.S.No.48/2B, measuring 30



acres 16 guntas under a registered sale deed dated 10.09.1968. It appears that, Smt. Sonubai had also executed a document on 15.10.1968 consenting purchase of the aforesaid land by the petitioner. Subsequently, she had filed Form No.7 claiming occupancy rights of the aforesaid land and the Tribunal had originally granted only 5 acres of land to Smt. Sonubai. In the second round of litigation, the Tribunal had rejected the Form No.7 filed by Smt. Sonubai claiming occupancy rights of the land in question. Thereafter, this Court had set aside the said order and had remitted the matter to the Tribunal in W.P.No.323/1993.

7. Perusal of the order passed in W.P.No.323/1993 disposed of on 26.05.1997 would go to show that, Smt. Sonubai had disputed her power of attorney which was allegedly executed in favour of Shankar Gangu Lamani and she also has stated that she had cancelled the said power of attorney. The Tribunal thereafter had granted occupancy right of the land in question and another land in favour of Smt. Sonubai by order dated 13.11.1998 which was questioned by the petitioner and another, before this Court



in W.P.No.35657-58/1998, which allowed and the matter was remanded on 15.02.1999. A reading of the order dated 15.02.1999 passed in W.P.No.35657-58/1998 would go to show that, in the said order this Court had permitted the petitioner to cross-examine Smt. Sonubai, who had filed Form No.7 claiming occupancy rights of the aforesaid land and who also had disputed the execution of power of attorney in favour of the aforesaid Shankar Gujju Lamani.

8. Perusal of the material on record would go to show that, after disposal of W.P.No.35657-58/1998, Smt. Sonubai had not appeared before the Tribunal for the purpose of her cross-examination, though this Court had granted an opportunity to the petitioner in W.P.No.35657-58/1998 to cross-examine Smt. Sonubai and also to tender his evidence before the Tribunal. It appears that, subsequently, the aforesaid Shankar Gangu Lamani had once again filed his affidavit before the Tribunal on behalf of tenant on 02.06.2005. The matter was thereafter being adjourned for cross-examination of the alleged power of attorney holder of Smt. Sonubai. In the meanwhile, Smt.



Sonubai died on 02.01.2007. Thereafter, though the legal representatives of Smt. Sonubai were brought on record they have not led any evidence before the Tribunal and on the other hand, the matter was being posted for cross-examination of the alleged power of attorney holder of Smt. Sonubai, who by then had no authority to represent Smt. Sonubai, since she died on 02.01.2007.

9. The Tribunal in its order impugned has observed that, though sufficient opportunity was granted to the petitioner for a period of nearly 21 years, he had not cross-examined the witnesses examined on behalf of the tenant i.e. namely Sonubai. It is relevant to notice here that, Smt. Sonubai had never kept herself present before the Tribunal during her lifetime for the purpose of her cross-examination, though this Court had observed in W.P.No.35657-58/98, that the petitioner shall have an opportunity to cross-examine Smt. Sonubai. Thereafter, an affidavit in lieu of the examination-in-chief on behalf of the tenant was filed by the alleged power of attorney holder who according to the tenant had earlier represented her before the Tribunal based on a



fraudulent power of attorney which she had to cancelled. The genuineness or otherwise of the alleged power of attorney was not gone into by the Tribunal in spite of the observations made in W.P.No.323/1993 by this Court. Even otherwise, the alleged power of attorney ceased to exist after the death of Smt. Sonubai on 02.01.2007. Therefore, on behalf of the tenant Smt. Sonubai, her legal representatives ought to have been examined before the Tribunal. In the absence of any one of legal representatives being examined before the Tribunal, there was no question of the petitioner cross-examining any witness and this aspect of the matter has been lost sight of by the Tribunal, which has passed the impugned order.

10. Under the circumstances, I am of the opinion that, the impugned order cannot be sustained. Accordingly, the following:

ORDER

- (i) The writ petition is allowed and the impugned order insofar as it relates to granting



occupancy rights of the land bearing R.S.No.45/2B, measuring 30 acres 16 guntas situated at Ankalagi village, taluka and district Vijayapura, is quashed and the matter is remitted to the Tribunal to consider the claim of the tenant afresh insofar as the aforesaid land is concerned, taking into consideration the observations made by this Court herein above;

(ii) The legal representatives of the tenant as well as the petitioners shall be given a fresh opportunity to lead evidence before the Tribunal;

(iii) The order impugned insofar as it relates to granting of occupancy rights of other lands, except the aforesaid land bearing R.S.No.45/2B, measuring 30 acres, 16 guntas is concerned remains un-altered;

(iv) I.A.No.1/2022 does not survive for consideration. Accordingly, the same is dismissed.

**Sd/-
(S.VISHWAJITH SHETTY)
JUDGE**