

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NOS. 4641-4656/2008

DARGA ESTATE COMMITTEE & ANR. APPELLANT(S)

VERSUS

STATE OF KARNATAKA & ORS. RESPONDENT(S)

ORDER

1. Heard learned counsel for the parties.
2. Under challenge in these appeals are the judgment and order of the High Court dated 08.10.2001 and the order of review thereon dated 21.02.2003.
3. The Division Bench of the High Court by the impugned order dated 08.10.2001 has allowed the writ appeal(s) and set aside the order of the learned Single Judge. The Division Bench in the very first paragraph of its judgment records as under:

“We have heard the appellants’ learned Advocate for this group of appeals as also the learned Advocate for Respondents 1 and 2 on merits. The Respondent No.3 has been

served. Earlier, learned Advocate M.V. Ramanna had represented the Respondent No.3 before us and informed us that the Respondent No.3 has not either contacted him or briefed him to appear in the proceedings and that consequently, he has no instructions. Since the Respondent No.3 has been duly served with the notice and is unrepresented, we do not propose to adjourn the hearing of this group of appeals any further."

4. A bare perusal of the aforesaid part of the order reveals that the counsel for the respondent No.3 in the writ appeal(s) has pleaded that he had no instructions and the Court without issuing or serving any fresh notice upon the said respondent No.3 had proceeded to decide the matter(s) without even granting any adjournment to the counsel who appeared to seek instructions. The counsel who appeared for respondent No.3 was not actually engaged in the writ appeal(s) but was the counsel who had appeared for respondent No.3 in the petition under Article 226/227 of the Constitution of India.

5. The Review Court has also not adverted to the above aspect of the matter and as such, we are of the opinion that the respondent No.3 therein was denied proper opportunity of hearing and the Court

had proceeded to decide the matter(s) in violation of the principles of natural justice reversing the judgment and order passed by the learned Single Judge.

6. On the above short point, without going into any other aspect of the matters and also with the consent of the parties, we remit the matters to the Division Bench of the High Court for decision afresh of the writ appeal(s) on its own merits leaving it open for the parties to raise whatever contentions that are available to them in law.

7. The parties are directed to appear before the Division Bench of the High Court on 1st April, 2026.

8. The appellant No.2 herein, who was not a party in the writ appeal(s) before the High Court, is permitted to apply for impleadment in the said writ appeal(s), if so advised.

9. It is expected that the High Court shall consider and decide the writ appeal(s) expeditiously.

10. The present appeals stand disposed of in the above terms.

11. Pending application(s), if any, shall stand disposed of.

.....J.
[PANKAJ MITHAL]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
JANUARY 21, 2026.
SD

ITEM NO.101

COURT NO.9

SECTION XII-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal Nos. 4641-4656/2008

DARGA ESTATE COMMITTEE & ANR.

Appellant(s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent(s)

(IA No. 119603/2017 - EXEMPTION FROM FILING O.T.
IA No. 235560/2024 - EXEMPTION FROM FILING O.T.)

Date : 21-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Appellant(s) Mr. Rajesh Mahale, Sr. Adv.
Mr. Amit Pai, Adv.
Ms. Pankhuri Bhardwaj, AOR
Mr. Parikshith Maliye, Adv.
Mr. Shreyas Shanthi Mahale, Adv.
Ms. Panchami Mahale, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.
Ms. Vrinda Bhandari, AOR
Mr. Rohan Sharma, Adv.
Ms. Pragya Barsaiyan, Adv.
Ms. Vanshita Gupta, Adv.
Ms. Nitya Jain, Adv.

For Respondent(s) Mr. Muhammad Ali Khan, A.A.G.
Mr. Sanchit Garga, AOR
Mr. Omar Hoda, Adv.
Ms. Eesha Bakshi, Adv.
Mr. Kamran Khan, Adv.
Ms. Pragya, Adv.
Ms. Ayesha Khan, Adv.

Mr. Basavaprabhu S. Patil, Sr. Adv.
Mr. Anirudh Sanganeria, AOR
Mr. Arijeet Shukla, Adv.

Mr. Shivanand Lahiri, Adv.
Mr. Samarth Kashyap, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The present appeals stand disposed of in terms of the signed order which is placed on the file.
2. Pending application(s), if any, shall stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(NIDHI MATHUR)
COURT MASTER (NSH)