

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 10TH DAY OF JULY 2015

BEFORE

THE HON'BLE MR.JUSTICE RAM MOHAN REDDY

WRIT PETITION NOS. 27654 & 28245 OF 2015
(LR-RES)

BETWEEN:

SRI. A SUDHAKARA RAO
S/O LATE A GOPALA KRISHNA
AGED ABOUT 63 YEARS,
R/O GOVINDAPRASAD,
AVARAL POST, VIA HEJAMADI,
UDUPI TALUK, UDUPI DISTRICT - 574103.

... PETITIONER

(By Sri. S.R HEGDE HUDLAMANE, ADV.,)

AND

1. STATE OF KARNATAKA
BY ITS SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT
VIDHANA SOUDHA ,
BANGALORE 560001
2. LAND TRIBUNAL
UDUPI TALUK & DISTRICT
REP BY SECRETARY-574 103.

3. SRI RAVIKUMAR
I A S CHAIRMAN,
LAND TRIBUNAL UDUPI,
UDUPI TALUK & DISTRICT -574 103.
4. GOPAL K SHETTY
S/O LATE KITTASHETTY,
AGED ABOUT 73 YEARS,
R/O SINCHAN APARTMENTS 4TH FLOOR,
B WING, VEERA DESAI ROAD, NEW LINK ROAD,
ANDHERI (WEST) MUMBAI 400053
5. SMT. SUMATHI G SHETTY
S/O LATE KITTASHETTY,
AGED ABOUT 62 YEARS,
R/O A/102, BHAIKAV COMPELX,
STATION ROAD, NEAR HM THEATER,
BHAYANDAR (WEST) MUMBAI 400053.
6. SMT. BABY S SHETTY
S/O LATE KITTASHETTY
AGED ABOUT 62 YEARS,
R/O B/58, BUILDING NO.34,
MAHISH NAGAR, 4 BUNGALOWS,
J.P ANDHERI (WEST), MUMBAI – 400 053.
7. SHEKARA SHETTY
S/O LATE KITTASHETTY,
AGED ABOUT 68 YEARS,
R/O A/12, RANJI NIVAS
MAHATHMA PHULE ROAD,
VISHNU NAGAR, DOMBIVALI (WEST)
THANE DISTRICT, MAHARASTRA STATE-421202
8. SMT. AMMANI J SHETTY
D/O LATE KITTASHETTY,
AGED ABOUT 58 YEARS,

R/O D/409, VRINDAVAN SOCIETY,
JEEEVAN NAGAR, VEERA DESAIROAD,
ANDHERI (WEST) MUMBAI 400058.

9. KARIYA K SHETTY
S/O LATE KITTASHETTY
AGED ABOUT 56 YEARS,
R/O PALLI NINJURU, POST PALLI 574244
KARKALA TALUK, UDUPI DISTRICT
10. SMT SAVITA A SHETTY
D/O LATE KITTASHETTY,
AGED ABOUT 53 YEARS,
R/O NO.30, BHARATH NIVAS,
PARMAR, GURUJI MARG,
PAREL, MUMBAI 400012
11. JAGANNATH SHETTY
S/O LATE BABU SHETTY,
AGED ABOUT 66 YEARS,
R/O BOLINJE, AVARALU MATTU,
POST AVARALU, PALIMAR VILLAGE,
UDUPI TALUK & DISTRICT -474 103.

... RESPONDENTS

(By Sri. LAXMINARAYAN, AGA FOR R1 & R2)

THESE WRIT PETITIONS ARE FILED UNDER
ARTICLES 226 & 227 OF CONSTITUTION OF INDIA
PRAYING TO QUASH THE 3RD FORM NO. 7 FILED BY
THE KITTASHETTY WHO IS NOW REPRESENTED BY
HIS LEGAL REPRESENTATIVES / RESPONDENTS NO.4
TO 11 VIDE ANN-C DATED 23.9.1978 WHICH IS NOT
YET DISPOSED OFF & ETC.,

THESE WRIT PETITIONS COMING ON FOR PRL. HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Despite the order dated 10.4.2012 in W.P.No.7077/2012 Annexure-E directing the respondent-Land Tribunal to hear and conclude the proceedings within a period of three months therefrom, nevertheless when nothing precious is done, has resulted in these petitions.

2. Although the relief in these petitions is to quash Form No.7 filed by the tenant in respect of immovable property in question, nevertheless an alternate relief is sought to direct the Land Tribunal to conclude the proceedings forthwith.

3. It is necessary to state that if a writ of mandamus is issued for the first time, there is no bar for issue of another writ of mandamus on the very same

cause of action for directing the statutory authorities to perform their statutory duties.

4. In that view of the matter, these petitions are allowed in part. A direction is issued to the Land Tribunal and the Chairman of the Land Tribunal-respondents herein, to extend reasonable opportunity of hearing to the parties and conclude the proceedings in any event by 31.8.2015.

**Sd/-
JUDGE**

ln.