

IN THE HIGH COURT OF KARNATAKA  
DHARWAD BENCH

DATED THIS THE 13<sup>TH</sup> DAY OF JUNE 2014

BEFORE

**THE HON'BLE MR. JUSTICE H.BILLAPPA**

**WRIT PETITION NO.105129/2014 (LR)**

BETWEEN:

Sri.Muddanagouda.C.V.  
S/o.late Gangadaragouda C.V.  
Aged about 74 years,  
Occ: Agriculturist,  
R/o.Karekallu village,  
Bellary Taluk, Bellary.

.. PETITIONER

(By Sri.T.M.Nadaf, Adv.)

AND:

1. The Government of Karnataka,  
rep. by the Principal Secretary,  
Revenue Department,  
Vidhana Soudha,  
Bangalore -560 001.

2. The Land Tribunal,  
Taluk: Bellary,  
Bellary District.  
By its Secretary.

3. Sri.Karebasaveshwar Swamy,  
Gavimath Sounsthan,  
Uruvakonda,  
By its Agent R.Basavanagouda,  
R/o.Karekallu village,  
Bellary Taluk, Bellary.

.. RESPONDENTS

(By Smt.K.Vidyavathi, AGA, for R1 & 2)

---

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to call for the records from the office of the respondent No.2 Land Tribunal, Bellary Taluk, quash the order passed by the respondent No.2 Land Tribunal, Bellary dt.30.12.1996 only in respect of Sy.No.283 B measuring 9 acres 52 cents, at Annexure-C by issuing a writ in the nature of certiorari and direct the respondent No.2 Land Tribunal, Bellary to permit the petitioner to correct the survey number in the application Form No.I.

This petition coming on for preliminary hearing this day, the Court made the following:

### **ORDER**

The learned AGA is directed to take notice for the respondents 1 and 2.

2. In this writ petition under Articles 226 & 227 of the Constitution of India, the petitioner has called in question the order dated 30.12.1996 passed by the second respondent in case No.Bhusu.142/91-92 vide Annexure-'C' and has sought for writ of mandamus directing the second respondent to permit the petitioner to correct the survey number in Form No.1.

3. Briefly stated the facts are;

The petitioner had filed Form No.1 claiming occupancy rights in respect of inam land of Karibasaveshwar Swamy Gavimath Sounstana, Uruvakond, bearing Sy.No.282H measuring 3.44 acres, Sy.No.283M measuring 6.34 acres and Sy.No.283B measuring 9.52 acres situated at Karekallu village, Moka hobli, Bellary taluk. It is stated, the petitioner by mistake had mentioned in Form No.1 Sy.No.283B instead of Sy.No.283L. The Tribunal by its order dated

30.12.1996 has granted occupancy rights in favour of the petitioner in respect of Sy.No.282H measuring 3.44 acres and Sy.No.283M measuring 6.34 acres. However, the claim of the petitioner in respect of Sy.No.283B measuring 9.52 acres has been rejected. Therefore, this writ petition.

4. The learned counsel for the petitioner contended that the petitioner was in occupation of Sy.No.282H measuring 3.44 acres, Sy.No.283M measuring 6.34 acres and Sy.No.283L measuring 9.52 acres. However, by mistake in Form No.1 the petitioner had mentioned Sy.No.283B instead of Sy.No.283L. It was not correct. Therefore, the Tribunal may be directed to permit the petitioner to correct the survey number in Form No.1 as Sy.No.283L instead of Sy.No.283B.

5. As against this, the learned AGA submitted that the impugned order does not call for interference.

She also submitted that the impugned order has been passed in the year 1996 and the petitioner has approached this Court in the year 2014. There is inordinate delay of nearly 18 years in approaching this Court and therefore, the writ petition cannot be entertained. Further she submitted that the petitioner has claimed occupancy rights in respect of Sy.No.282H measuring 3.44 acres, Sy.No.283M measuring 6.34 acres and Sy.No.283B measuring 9.52 acres situated at Karekallu village, Moka hobli, Bellary taluk. The Tribunal has granted occupancy rights in respect of Sy.No.282H measuring 3.44 acres and Sy.No.283M measuring 6.34 acres. The claim of the petitioner in respect of Sy.No.283B measuring 9.52 acres has been rejected. Even according to the petitioner, he was not cultivating the land in Sy.No.283B measuring 9.52 acres. Therefore, the impugned order does not call for interference.

6. I have carefully considered the submissions made by the learned counsel for the parties.

7. The point that arises for my consideration is,  
*Whether the impugned order calls for interference?*

8. It is relevant to note, the petitioner had filed Form No.1 claiming occupancy rights in respect of Sy.No.282H measuring 3.44 acres, Sy.No.283M measuring 6.34 acres and Sy.No.283B measuring 9.52 acres situated at Karekallu village, Moka hobli, Bellary taluk. The Tribunal has granted occupancy rights in respect of Sy.No.282H measuring 3.44 acres and Sy.No.283M measuring 6.34 acres. However, the claim of the petitioner in respect of Sy.No.283B measuring 9.52 acres has been rejected. Admittedly, the petitioner was not cultivating the land in Sy.No.283B. According to him, he was cultivating Sy.No.283L. There is no claim in

respect of Sy.No.283L. Therefore, the Tribunal considering the claim of the petitioner in respect of Sy.No.283L does not arise. The impugned order is passed in the year 1996. The petitioner has approached this Court in the year 2014. There is inordinate delay of nearly 18 years in approaching this Court. Therefore, the writ petition cannot be entertained.

Accordingly, the writ petition is dismissed.

**Sd/-  
JUDGE**

Bss