

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

ON THE 28TH DAY OF APRIL, 2017

BEFORE

THE HON'BLE MR. JUSTICE RAVI MALIMATH

WRIT PETITION NO.11064 OF 2017 (LR - RES)

BETWEEN:

SRI. S. CHANDRAKARA
AGED ABOUT 66 YEARS
S/O LATE K. SHESHA HANNA
RESIDING AT GUNDIHALLI VILLAGE
SEEBINAKERE POST
THIRTHAHALLI TALUK
SHIVAMOGGA DISTRICT-577432.

... PETITIONER

(By SRI. SHANKARANARAYANA BHAT N, ADV.,)

AND:

1. THE LAND TRIBUNAL
THIRTHAHALLI TALUK
THIRTHAHALLI,
SHIVAMOGGA DISTRICT
PIN-577432.
REPRESENTED BY ITS
CHAIRMAN.
2. SRI. SANNA NADU
S/O LATE KURU MILA
AGED ABOUT 68 YEARS
RESIDENT OF KITTANAGADDE VILLAGE
SEEBINAKERE POST
THIRTHAHALLI TALUK

SHIVAMOGGA DISTRICT
PIN-577432.

3. SRI. YAJNANARAYANA BHAT
S/O SRI. RAMA BHATTA
MAJOR
RESIDING AT MELIGE VILLAGE
MELIGE POST, THIRTHAHALLI TALUK
SHIVAMOGGA DISTRICT
PIN-577432.

... RESPONDENTS

[By SMT. B.P. RADHA, HCGP FOR R1]

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS AND QUASH THE ORDER OF THE LAND TRIBUNAL, THIRTHAHALLI TALUK, THIRTHAHALLI, SHIVAMOGGA DISTRICT DTD., 5.1.2017 IN SO FAR AS IT RELATES TO THE ALLOWING THE IMPLEADING APPLICATION, VIDE ANNEX-F IN THIS W.P. AND ALLOW THIS W.P. WITH COSTS.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT PASSED THE FOLLOWING:

ORDER

Learned Government Advocate takes notice for respondent No.1 and is permitted to file memo of appearance in four weeks.

2. The plea of the petitioner is that in the pending proceedings before the Land Tribunal, an application was filed seeking impleadment of the parties therein. The same was allowed. Questioning the same, the present petition is filed.

3. The learned counsel for the petitioner contends that the applicants are neither necessary nor proper parties and that ten persons are sought to be impleaded.

4. The learned Government Advocate submits that none of the legal rights of the petitioner is affected. That the Tribunal was of the view that ten persons are required for just and final adjudication of the matter.

5. Under these circumstances, I find no legal infringement of the petitioner's right. Therefore, I deem it just and proper that they are necessary and proper parties for adjudication of the matter before the Tribunal.

6. Consequently, the petition being devoid of merits is dismissed.

SD/-
JUDGE

PMR