

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF DECEMBER 2021

BEFORE

THE HON'BLE MR. JUSTICE B. M. SHYAM PRASAD

WRIT PETITION No.24298 OF 2021 (KLR RES)

BETWEEN:

SRI.AVINASH BASAVARAJ
S/O Dr. B.N. BASAVARAJ
AGED ABOUT 43 YARS
OCC: AGRICULURIST
R/O P.J. EXTENSION
DAVANAGERE 577002

.. PETITIONER

(BY SRI.VIGNESWARA S. SHASTRI, SENIOR COUNSEL
FOR SRI DINESHA H.M., ADVOCATE)

AND

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
TO REVENUE DEPARTMENT
M.S. BUILDING
BANGALORE 560001
2. THE ASSISTANT COMMISSIONER
CHITRADURGA SUB DIVSIION
CHITRADURGA DDISTRICT 577501
3. THE TAHASILDAR
CHITRADURGA TALUK
CHITRADURGA DISTRICT 577501
4. Dr. B.N. BASAVARAJ
S/O LATE NANDI BASAPPA

AGED ABOUT 76 YEARS
R/O DOOR NO. 593/1
6TH MAIN P.J. EXTENSION
DAVANAGERE TOWN - 577002

5. SRI. J. MALLIKARJUNA
S/O LATE JAYADEVAPPA
AGED ABOUT 70 YEARS
R/O DOOR NO. 1716-37-38
NEAR HALLI MAHADEVAPPA HIGH SCHOOL
SIDDAVEERAPPA BADAVANE
DAVANAGERE TOWN - 577002
6. SRI. J. MANJUNATHA
S/O LATE JAYADEVAPPA
AGED ABOUT 68 YEARS
#1017/1018, 'VARUNNILAYA'
1ST MAIN, 7TH CROSS
TARALABALU BADAVANE
DAVANAGERE TOWN - 577002
7. SRI. B.J. BASAVARAJAPPA
S/O LATE JAYADEVAPPA
AGED ABOUT 65 YEARS
R/O. K. BALLEKATTE VILLAGE
CHITRADURGA TALUK
CHITRADURGA DISTRICT - 577541
8. SRI. SHIVAMURTHY
S/O LATE RUDRAPPA
AGED ABOUT 68 YEARS
R/O K. BALLEKATTE VILLAGE
CHITRADURGA TALUK
CHITRADURGA DISTRICT 577541

...RESPONDENTS

(BY SRI C.N. MAHADESHWARAN, AGA FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE R3 TO
IMPLEAD AND TO TREAT THE PETITIONER AS PARTY TO THE RRT
PROCEEDINGS IN NO.RRT/293/2021, RRT/294/2021, RRT/295/2021,

RRT/296/2021, RRT/314/2021, RRT/315/2021 AND RRT/316/2021 AND CONSIDER HIS OBJECTIONS VIDE ANNEXURE-G DATED 30.11.2021 BY GIVING HIM AN OPPORTUNITY OF PERSONAL HEARING IN THE ENQUIRY / PROCEEDINGS AND ETC.,

THIS WRIT PETITION COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Sri Vigneswara S. Shastri, the learned Senior Counsel for the petitioner, and the learned Additional Government Advocate who accepts notice for respondent Nos.1 to 3, are heard for final disposal.

The petitioner, who does not dispute that the suit commenced by his father in O.S. No.49/1982 has culminated with the final decree in F.D.P. No.11/1995 on the file of the learned Principal Senior Civil Judge, Chitradurga, has sought for directions to the Tahsildar (third respondent) to treat the petitioner as a party in the pending proceeding and to consider his objections with due opportunity to the petitioner.

The learned senior counsel for the petitioner draws attention of this Court to the third respondent – Tahasildhar's order dated 06.12.2021, and it is seen from this order that the third respondent has listed the proceedings on 31.12.2021 recording that the petitioner's counsel has sought leave to enter appearance in the proceedings. It is reiterated by the learned Senior Counsel that the request on behalf of the petitioner with the third respondent is to be heard on the objections filed.

In the light of the objections as per Annexure-J, this Court is of the considered view that the petition could be disposed of with liberty to the petitioner to place on record before the third respondent the circumstances relied upon in the present petition and seek order and if such information is placed on record, the third respondent shall consider the same strictly in accordance with law after hearing the petitioner.

The petition stands disposed of accordingly.

**Sd/-
JUDGE**

BS