



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 31<sup>ST</sup> DAY OF OCTOBER, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE E.S.INDIRESH**

**WRIT PETITION NO. 18844 OF 2023 (LR)**

**BETWEEN:**

1. SRI. LAKSHMIKANTHA K.V.,  
S/O LATE VITTALIAH,  
AGED ABOUT 47 YEARS.
2. SRI. KRISHNAMURTHY K.V.,  
S/O LATE VITTALIAH,  
AGED ABOUT 45 YEARS.
3. SRI. GANGARAJU K.V.,  
S/OP LATE VITTALIAH,  
AGED ABOUT 43 YEARS.
4. SMT. PEDDAMMA,  
W/O LATE RAMANNA,  
AGED ABOUT 69 YEARS.
5. SRI. KHADRAPPA,  
S/O LATE LAKSHMAIAH,  
AGED ABOUT 89 YEARS.

ALL ARE R/AT  
KESTHURU VILLAGE, KORA HOBLI,  
TUMAKURU TALUK AND DISTRICT - 572 138.

...PETITIONERS

(BY SRI. V.B. SIDDARAMAIAH, ADVOCATE)



**AND:**

1. THE STATE OF KARNATAKA,  
DEPARTMENT OF REVENUE,  
M.S.BUILDING,  
DR. B.R. AMBEDKAR VEEDHI,  
BANGALORE - 560 001.  
REP. BY ITS PRINCIPAL SECRETARY  
TO THE GOVERNMENT.
2. THE TAHASILDAR,  
TUMAKURU TALUK AND  
THE SECRETARY,  
THE LAND TRIBUNAL  
TUMAKURU TALUK,  
MINI VIDHANASOUDHA,  
DR. B.R. AMBEDKAR ROAD,  
TUMAKURU - 572 101.
3. SMT. MAHADEVAMMA,  
W/O MALLIKARJUNAIAH,  
MAJOR,  
AGE NOT KNOWN TO THE PETITIONER.
4. SRI. JAGADEESH,  
S/O MALLIKARJUNAIAH,  
MAJOR,  
AGE NOT KNOWN TO THE PETITIONER.
5. SRI. MAHESH,  
S/O ADAVIGANGAPPA,  
MAJOR,  
AGE NOT KNOWN TO THE PETITIONER.

RESPONDENTS NO.3 TO 5 ARE  
R/AT YAJAMANARA BEEDI,



MANDIPET,  
TUMKURU - 572 101.

6. SRI. K. NANJUNDAPPA,  
S/O KARIBASAPPA,  
MAJOR,  
AGE NOT KNOWN TO THE PETITIONER,  
KESTHURU VILLAGE, KORA HOBLI,  
TUMAKURU TALUK AND DISTRICT - 572 138.

7. SRI. SRINIVASA K.V.,  
S/O VITTALAIAH,  
AGED ABOUT 50 YEARS,  
R/AT KESTHURU VILLAGE, KORA HOBLI,  
TUMAKURU TALUK AND DISTRICT - 572 138.

...RESPONDENTS

(BY SRI. HARISHA A.S., AGA FOR R1 AND R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED THE PORTION OF THE ORDER DATED:28.11.2006 PASSED BY THE R2, THE TAHASILDAR, TUMAKURU TALUK AND THE SECRETARY, THE LAND TRIBUNAL, TUMAKURU TALUK, MINI VIDHANASOUDHA, DR B R AMBEDKAR ROAD, TUMAKURU PASSED IN CASE NO.OLRM 3 PLUS 10 PLUS 4 / 1978-79 VIDE ANNEXURE-F, FOR REJECTION OF THE APPLICATIONS FILED IN FORM NO.7 WITH RESPECT TO SURVEY NOS.23 OF KESTHURU VILLAGE, 37 OF KESTHURU AMANIKERE AND SY.NO.33 OF GOWRAGONDANAHALLI VILLAGE, TUMAKURU TALUK AND DISTRICT AND CONSEQUENTLY ALLOW THE APPLICATIONS IN FORM NO.7 VIDE ANNEXURE-A, B AND C AND ETC.,

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



**ORDER**

Learned Additional Government Advocate accepts notice for respondent Nos.1 and 2.

2. Heard the learned counsels appearing for the parties.

3. In this writ petition, the petitioner has challenged the portion of the order dated 28.11.2006(Annexure-F) passed by respondent No.2 herein.

4. Having heard the learned counsel appearing for the parties, I am of the view that, the impugned order was passed on 28.11.2006 and challenged before this Court in the present writ petition after an inordinate delay of 17 years from the order passed by respondent No.2 herein.

5. Having taken note of the averments made in the writ petition and explanation offered by the petitioner with regard to condoning the delay of 17 years in filing the petition, cannot be considered as sufficient ground to condone the delay of 17 years delay in challenging the impugned order passed by the Land Tribunal, has been not made in terms of the declaration of law made by the Hon'ble Apex Court in the case of **State of**



***Nagaland Vs Lipok Ao and others***, reported in (2005) 3 SCC 752, I am of the view that, the writ petition cannot be accepted and liable to be dismissed on the ground of delay and laches.

6. Accordingly, writ petition stands ***dismissed***.

**SD/-  
JUDGE**

CH  
List No.: 1 Sl No.: 28  
CT:SNN