HC-KAR

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 31ST DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 105564 OF 2015 (LR)

BETWEEN:

SRI. CHINNU BIKARO ACHARI
SINCE DECEASED BY HIS LR'S.,

SRI. JAYAVANTH S/O. CHINNU ACHARI,
AGE: 54 YEARS, OCC: AGRICULTURE,
R/O. SHIRWADA, DEWATAWADA,
TQ: KARWAR, DIST: UTTARA KANNADA.

... PETITIONER

(BY SRI. SURESH S. BHAT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   BY ITS REVENUE SECRETARY,
   VIDHANA SOUDHA, M.S. BUILDING,
   AMBEDKAR VEEDHI, BENGALURU-01.

2. THE LAND TRIBUNAL, KARWAR,
   R/BY ITS CHAIRMAN, KARWAR,
   DIST: UTTARA KANNADA.

   DATTU @ DATTA TUKOBA SHET PAWSKAR,
   SINCE DECEASED BY HIS LR'S.,

   SRI. PRAHLAD S/O. DATTA PAWSKAR
   SINCE DECEASED BY HIS LR'S.,

Digitally signed by CHANDRASHEKAR LAXMAN KATTIMANI
Location: HIGH COURT OF KARNATAKA DHARWAD BENCH

3. YOGESWHWAR S/O PRAHLAD PAWSKAR,
AGE: 45 YEARS, OCC: GOLDSMITH,
R/O. KATINKON, SUNKERI, TQ: KARWAR,
DIST: UTTARA KANNADA.

4. CHETAN S/O PRAHLAD PAWSKAR,
AGE. 35 YEARS, OCC. GOLDSMITH,
R/O. KATINKON, SUNKERI, TQ: KARWAR,
DIST: UTTARA KANNADA.

5. SRI. RAMACHANDRA S/O BIKARO ACHARI
SINCE DECEASED BY HIS LR'S.,

NANDA S/O. RAMACHANDRA BIKARO ACHARI,
MAJOR, OCC: AGRICULTURIST,
R/O. SHIRWADA, TQ: KARWAR,
DIST: UTTARA KANNADA.

… RESPONDENTS

(BY SMT. MALA B. BHUTE, AGA FOR R1 AND R2;
NOTICE TO R3 AND R5 ARE SERVED;
NOTICE TO R4 IS HELD SUFFICIENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WIRT OR DIRECTIONS, WRIT OF MANDAMUS TO THE LAND TRIBUNAL, KARWAR/2ND RESPONDENT HEREIN TO CONSIDER THE FORM NO.7, DATED: 15.05.1977, PRODUCED AT ANNEXURE-A FILED BY SRI. CHINNU BIKARO ACHARI/FATHER OF THE PETITIONER PERTAINING TO LAND SY.NO.153/1 MEASURING 1-0-0 SITUATED AT SHIRWADA VILLAGE OF KARWAR TALUKA AND WRIT OF CERTIORARI TO QUASH ORDER DATED:11.07.2002, IN NO.TNC.MSC.SR.1368 PASSED BY THE LAND TRIBUNAL, KARWAR, PRODUCED AT ANNEXURE-C.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE)

This petition is filed under Articles 226 and 227 of the Constitution of India by the petitioner, assailing the order dated 11.07.2002 passed by the Land Tribunal, Karwar, marked as Annexure-C.

2. In terms of the impugned order, the application filed by respondent No.5, Ramachandra Bikaro Achari, has been disposed of and occupancy right is not granted in respect of property measuring Sy.No.153/1 measuring 1 acre situated at Shirwada village of Karwar Taluk.

3. It is noticed that the Tribunal has held that the Form No.7 application was filed by Ramachandra under a mistaken notion. It is further recorded that his son, who appeared before the Tribunal after the death of Ramachandra, submitted that he has no claim over the property and had appeared only as the legal representative of the deceased applicant.

4. Learned counsel for the petitioner would submit that his application seeking grant of occupancy right has not been considered, and the said application is marked at Annexure-A.

5. It is noticed that the application, dated 15.05.1977, pertains to the very same property. The law mandates that an application filed in Form No.7 within the stipulated period must be considered in accordance with law.

6. It is noticed that respondent No.5 has not appeared before this Court despite service of notice and has not challenged the order rejecting his application.

7. Hence, the Tribunal is directed to consider the petitioner's claim in respect of aforementioned property in accordance with law. The notice shall be issued to the landlord of the property.

8. With the above observations, the following:

ORDER

a) The writ petition is ***allowed in part***.

b) The order dated 11.07.2002 passed by the Land Tribunal, Karwar, is modified, and the matter is remitted to the Tribunal.

c) The exercise shall be completed within six months from the date of receipt of copy of this order.

d) The prayer for writ of certiorari is not granted as the said order is not against the petitioner and the person. The order rejecting the application of respondent No.5 has attained finality it cannot be re-opened.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

PMP
CT:BCK
LIST NO.: 2 SL NO.: 8