

**(2017) 04 KAR CK 0072**  
**In the Karnataka High Court**  
**Case No : 3972 of 2016 (KLR)**

DEENA DAYA CHARITIES TRUST (R)

APPELLANT

Vs

THE STATE OF KARNATAKA

RESPONDENT

---

**Date of Decision :** 18-04-2017

**Acts Referred:**

**Citation :** (2017) 04 KAR CK 0072

**Hon'ble Judges :** Subhro Kamal Mukherjee, P.S.Dinesh Kumar

**Bench :** DIVISION BENCH

**Advocate :** SUBRAMANYA JOIS, B.K. SOODI, V. SREENIDHI, G. KRISHNA MURTHY, A. MURALI

**Final Decision :** Dismissed

---

## **Judgement**

1. This appeal is barred by time having been presented after 448 days. An application seeking condonation of delay is also filed.
2. The appellant challenged the allotment of a piece of Gomal land measuring 16 acres 16 guntas in favour of the fourth respondent in the year 2003 by filing W.P. No.3788 of 2015.
3. The Hon'ble Single Judge, vide order dated June 24, 2015, dismissed the said writ petition on the premise that the petition was in the nature of public interest litigation. The appellant did not challenge the said order initially. However, he filed a separate writ petition as a PIL,

being W.P.No.43169 of 2015. A Division Bench of this court, vide order dated September 19, 2016, dismissed the said writ petition on the ground of delay, as the allotment was of the year 2003, and there was no good ground made out to condone the inordinate delay.

4. After the dismissal of the said writ petition, the appellant has now challenged the order passed by the Hon"ble Single Judge dated June 24, 2015 in W.P.No.3788 of 2015.

5. Admittedly, the land was allotted to the fourth respondent in the year 2003. A Division Bench of this court has already considered and dismissed the public interest litigation on the ground of delay and the same has attained finality.

6. We have heard Mr.H.Subramanya Jois, learned senior advocate, appearing for Mr.B.K.Soodi, learned advocate for the appellant.

7. We do not see any ground to condone the delay. Therefore, the application seeking condonation of delay is dismissed.

8. Consequently, the appeal, also, stands dismissed.

9. We make no order as to costs.

10. However, the dismissal of this appeal shall not come in the way of the appellant to make a separate application to the Government seeking allotment of any alternate land.