

(2012) 08 KAR CK 0030

In the Karnataka High Court

Case No : Writ Petition No. 42027/ 2011 (LR-SEC-48A)

Vanitha H. Shetty, Kishore Kumar Shetty, Vijayalaxmi M.
Shetty and Ashok Kumar Shetty

APPELLANT

Vs

The Land Tribunal, The State of Karnataka and Lalitha R.
Hegde

RESPONDENT

Date of Decision : 01-08-2012

Acts Referred:

Citation : (2012) 08 KAR CK 0030

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : Sampat Anand Shetty and M/s. Sampat and Vatsala Assts, for the Appellant; Shashidhar S. Karmadi, HCGP for R1 and 3, Sri Vyasa Rao, for R2 and Sri. Bharath K., for R4, for the Respondent

Judgement

B.S. Patil

1. In this writ petition, petitioner is calling in question the order dated 29.10.1980 passed by the Land Tribunal, Kundapura, in so far as it relates to conferment of occupancy rights on respondent No. 2 in respect of land bearing Sy. No. 195/2 measuring 1 acre 45 cents situated at Kandavara village in Kundapura Taluk. The impugned order is sought to be challenged by the petitioners after a lapse of nearly 31 years. Petitioners claim right over the property under Rathnavathi Shetty who inturn is said to have acquired right: over the property upon the death of one Bhaskar Hegde. According to the petitioners, their predecessor Bhaskar Hegde was neither notified nor heard in the matter and the impugned order has been passed behind his back and therefore, there was no scope for the petitioners or for the said Sri Bhaskar to know about the proceedings initiated seeking grant of occupancy rights by respondent No. 2.

2. It is relevant to notice that occupancy rights are granted in favour of respondent No. 2 in respect of the land in question, 31 years ago.

3. In the light of the long and inordinate delay, learned Government Pleader was directed to secure the records. The records are made available.

4. It is seen from the records that Bhaskar Hegde was party to the proceedings and has appeared before the Tribunal and consented for grant of occupancy rights. This is evident from the order sheet of the proceedings of the Tribunal.

5. Be that as it may, petitioners cannot be heard to say, after a lapse of three decades by filing this writ petition that the order conferring occupancy rights was illegal. If at all they had any right in the property, they should have approached this Court within a reasonable time. This Court will not entertain such claims after a lapse of three decades. The settled position cannot be unsettled by encouraging such litigation. In addition, the order sheet discloses that Bhaskar Hegde had indeed appeared before the Tribunal and has given his statement. There is absolutely no ground made out to entertain this writ petition. Writ petition therefore fails and the same is dismissed.