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Ladasab vs the State of Karnataka and Ors

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Court : Karnataka Kalaburagi

Decided On : Feb-28-2024

Judge : V Srishananda

Appeal No. : WP/201243/2017

Appellant : Ladasab

Respondent : The State of Karnataka and Ors

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA KALABURAGI BENCH DATED THIS THE 28TH DAY OF FEBRUARY, 2024 BEFORE THE HON'BLE MR JUSTICE V SRISHANANDA WRIT PETITION NO. 201243 OF 2017 (KLR-RR/SUR) BETWEEN: LADASAB S/O RAJESAB HANDARGAL @ SHIKALIGAR, AGED ABOUT 43 YEARS, DIST: VIJAYAPURA. PETITIONER (BY SMT. RATNA N. SHIVAYOGIMATH, ADVOCATE) AND:

1. THE STATE OF KARNATAKA

REPRESENTED BY ITS SECRETARY, DEPT. OF REVENUE, VIDHANA SOUDHA, BANGALORE-1. Digitally signed by SHILPA R 2. THE ASSISTANT COMMISSIONER, TENIHALLI BIJAPUR, DIST: BIJAPUR-586 101. Location: High Court Of 3. THE CHAIRMAN, Karnataka LAND TRIBUNAL, MUDDEBIHAL,

4. SMT. SARASWATHIBAI, W/O SANGAPPA DESHMUKH, AGED ABOUT 65 YEARS, RESPONDENTS (BY SMT. MAYA T. R, HCGP FOR R1 TO R3; R-4 IS SERVED) -2- THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO

ISSUE A WRIT, OR ORDER WRIT IN THE NATURE OF MANDAMUS, DIRECTING THE RESPONDENT-LAND TRIBUNAL TO CONSIDER THE FORM NO.7 FILED BY THE UNCLE OF THE PETITIONER DAVALSAB IN RESPECT OF SY.NO.30 MEASURING 9 ACRES 35 GUNTAS SITUATED AT KESAPUR VILLAGE, TQ: MUDDEBIHAL, DIST: VIJAYAPURA, AS PER THE DIRECTION OF THE HONBLE HIGH COURT IN W.P.NO.20168/1998, VIDE ANNEXURE-B, BY CONSIDERING THE REPRESENTATION DATED 03.08.2016 VIDE ANNEXURE-D.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY THE COURT MADE THE FOLLOWING: Heard Smt.Ratna N.Shivayogimath, learned counsel for petitioner and learned HCGP for respondent Nos.1 to 3/State.

2. The present writ petition is filed with the following prayer :

Praying to issue a writ, or order writ in the nature of mandamus, directing the respondent-Land Tribunal to consider the Form No.7 filed by the uncle of the petitioner Davalsab in respect of Sy.No.30 measuring 9 acres 35 guntas situated at Kesapur village, Tq: Muddebihal, Dist: Vijaypur, as per the -3- direction of the Honble High Court in W.P.No.20168/1998, vide Annexure-B, by considering the representation dated 03.08.2016 vide Annexure-D.

3. The Coordinate Bench of this Court vide order

dated 30.07.1998 in W.P.No.20168/1998 passed the order

whereby the Land Tribunal was directed to enquire the matter with regard to Form No.7 filed by the petitioner and pass appropriate orders.

4. Writ petitioner contends that till today no order

has been passed and the matter is not taken-up for further consideration.

5. The contesting respondent though served with

the notice of the petition, remained absent. Learned High Court Government Pleader submits that the suitable directions be issued. Accordingly, the following : i) The writ petition is allowed. ii) The Land Tribunal is directed to dispose of Form No.7 filed by the petitioner herein in -4- terms of the order dated 30.07.1998 vide Annexure-B passed in W.P.No.20168/1998, in accordance with law at the earliest and dispose of the same, as early as possible. Sd/- JUDGE SN List No.: 1 Sl No.: 71

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