



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 18757 OF 2018 (LR)

BETWEEN:

1. SMT CHERIYAMANE POOVAMMA
W/O SRI CHERIYAMANE MACHAIAH,
AGED ABOUT YEARS,
R/AT MODDURU VILLAGE,
SOMAWARAPETE TALUK,
MADKERI DISTRICT.
2. SRI CHERIYAMANE RAGHU
S/O SRI CHERIYAMANE MACHAIAH,
AGED ABOUT YEARS,
R/AT MODDURU VILLAGE,
SOMAWARAPETE TALUK,
MADKERI DISTRICT.
3. SRI CHERIYAMANE PALANGAPPA
S/O SRI CHERIYAMANE MACHAIAH,
AGED ABOUT YEARS,
R/AT MODDURU VILLAGE,
SOMAWARAPETE TALUK,
MADKERI DISTRICT.
4. SRI CHERIYAMANE UTTAPPA
S/O SRI CHERIYAMANE MACHAIAH,
AGED ABOUT YEARS,
R/AT MODDURU VILLAGE,
SOMAWARAPETE TALUK,
MADKERI DISTRICT.

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by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



5. SRI CHERIYAMANE PEMIAIAH
S/O SRI CHERIYAMANE MACHAIAH,
AGED ABOUT YEARS,
R/AT MODDURU VILLAGE,
SOMAWARAPETE TALUK,
MADKERI DISTRICT.

...PETITIONERS

(BY SRI. M.N MUNI REDDY, ADVOCATE)

AND:

1. THE LAND TRIBUNAL
SOMAWARAPETE TALUK,
MADKERI DISTRICT,
REPRESENTED BY ITS SECRETARY
2. SRI C D MUTHANNA
AGED ABOUT YEARS,
R/AT MODDURU VILLAGE,
SOMAWARAPETE TALUK,
MADKERI DISTRICT.
3. SRI B.S KUSHALAPPA
AGED ABOUT YEARS,
R/AT MODDURU VILLAGE,
SOMAWARAPETE TALUK,
MADKERI DISTRICT.
4. SRI BOSE MANDANNA
AGED ABOUT YEARS,
R/AT MODDURU VILLAGE,
SOMAWARAPETE TALUK,
MADKERI DISTRICT.

...RESPONDENTS

(BY SRI. RAHUL CARIAPPA K.S, HCGP FOR R1
SRI. M. ARUN PONAPPA, ADVOCATE FOR R4)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
DTD 03.03.2018 PASSED BY THE LAND TRIBUNAL,
SOMAWARAPET TALUK VIDE ANNX-E TO THE W.P. PASSED BY
THE R-1.



THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

The petitioners have filed this writ petition seeking a writ of certiorari to quash the order dated 03.03.2018 in LRM/II/A-8/78-79 passed by the Land Tribunal, Somawarapet as per Annexure - 'E'.

2. It is the case of the petitioners that, one late Cheriyanmane Machaiah i.e., the husband of petitioner No.1 and the father of petitioner Nos.2 to 5 was a tenant in respect of land bearing Sy.No.24 measuring to an extent of 4.48 acres and Sy.No.25 measuring to an extent of 0.78 acres under respondent No.2 from 1966. Later the said Cheriyanmane Machaiah has filed Form No.7 in respect of the subject land and after conducting enquiry, the Land Tribunal has granted occupancy right in his favour on 20.10.1981. The said order was challenged by respondent Nos.2 to 4 in an appeal i.e., LRAA.No.36/1986 before the



Land Reforms Appellate Authority, Kodagu. The said appeal was allowed and the order passed by the Land Tribunal dated 20.10.1981 was set aside. However, the said order has been challenged by the petitioners by filing petition under Section 121A of the Karnataka Land reforms Act r/w Section 151 of CPC before this Court in LRRP.No.1/1998 and this Court vide order dated 18.09.1998 allowed the petition and remitted the matter back to the Land Tribunal. Thereafter, the Land Tribunal after conducting a fresh enquiry, rejected the claim of the petitioners on 03.03.2018 vide Annexure - 'E'. Challenge to the same is *lis* before this Court.

3. Heard the learned counsel for the petitioners, respondent No.4 and learned Additional Government Advocate for respondent No.1.

4. The primary contention of the learned counsel for the petitioners is that the Land Tribunal has grossly erred while passing the impugned order at Annexure - 'E'



without conducting a proper enquiry in respect of possession of the subject land. According to him, the spot inspection conducted by the Tahsildar dated 29.11.1980, clearly reveals that the petitioners were in possession of the subject land as on 01.03.1974. Thereafter, the land vested with the Government and as such, the petitioners rightly filed Form No.7 and initially the Land Tribunal has granted the occupancy right. However, the subsequent impugned order as per Annexure - 'E' is not sustainable. Accordingly, he prays to allow the writ petition.

5. *Per contra*, learned counsel for contesting respondent No.4 submits that the spot inspection report clearly reveals that the petitioners were not in possession of the subject land as on 01.03.1974 and as such, the subject land was not vested with the Government. Since, the petitioners were failed to produce any documents to show that they were in possession of the subject land, the Tribunal has rightly rejected their claim. Accordingly, he prays to dismiss the writ petition.



6. Learned Additional Government Advocate by supporting the impugned order, prays to dismiss the writ petition.

7. I have carefully perused the impugned order and documents made available before this Court.

8. As could be gathered from records, it is the specific case of the petitioners that the husband of petitioner No.1 and father of petitioner Nos.2 to 4 was in cultivation of the subject land ever since 1966 and he continued with the possession of the subject land as on 01.03.1974.

9. On perusal of the impugned order, the same reveals that after remand of the matter before the Land Tribunal as directed by this Court in LRRP.No.1/1998, the Land Tribunal conducted spot inspection on 29.11.1980 and the same depicts that the petitioners were in possession of the subject land prior to four years as on 29.11.1980, that must be in the year 1976. Except the



said spot inspection report, no other documents have been produced by the petitioners to substantiate that they were in possession and cultivation of the subject land as on 01.03.1974.

10. Further, respondent Nos.2 to 4 denied the land lord and tenant relationship as on 01.03.1974. The petitioners also not produced any rent receipt or other documents to prove their tenancy in respect of the subject land before respondent No.1.

11. In such circumstances, in my considered view, the Tribunal has rightly appreciated the evidence on record and passed the impugned order which does not call for any interference at the hands of this Court.

12. Accordingly, the writ petition is ***disposed of***.

**SD/-
(RAJESH RAI K)
JUDGE**

CR
List No.: 1 Sl No.: 11