



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT APPEAL NO. 100247 OF 2022 (LR)

BETWEEN:

1. SHRI VINAYAK SACHIDANAND DESHPANDE
S/O RAMABAI SACHIDANAND DESHPANDE,
AGE. MAJOR, R/O. WAGALE GALLI,
TQ. KHANAPUR, DIST. BELAGAVI-590 001.
2. SHRI SRIPAD SACHIDANAND DESHPANDE
S/O RAMABAI SACHIDANAND DESHPANDE,
AGE. MAJOR, R/O. WAGALE GALLI,
TQ. KHANAPUR, DIST. BELAGAVI-590 001.

... APPELLANTS

(BY SRI JAGADISH PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
GOVERNMENT OF KARNATAKA,
DEPARTMENT OF REVENUE,
M.S. BUILDING,
DR. AMBEDKAR VEEDI,
BENGALURU-530 068.
2. THE LAND TRIBUNAL, KHANAPUR,



REPRESENTED BY ITS CHAIRMAN,
KHANAPUR, DIST. BELAGAVI,
PIN-591 302.

3. SHRI DATTURAM BHIMANNA GORAL
S/O. BHIMANNA, AGE. MAJOR,
R/O. MALA-ANKALE, TQ. KHANAPUR,
DIST. BELAGAVI, PIN-591 302.

... RESPONDENTS

(BY SRI SHARAD V. MAGADUM, AGA FOR R1 AND R2;
SRI PRASADKUMAR GUNAKI, ADVOCATE FOR R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 24.02.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS COURT IN W.P. NO.17820/2007; CONFIRM THE IMPUGNED ORDER DATED 01.08.2007 PASSED BY THE RESPONDENT NO.2 AND ETC.

THIS WRIT APPEAL IS COMING ON PRONOUNCEMENT AND THE SAME HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 13.01.2026, THIS DAY, **B. MURALIDHARA PAI J.**, DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI



CAV JUDGMENT

(PER: THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI)

The Respondent No.3 herein had maintained W.P. No.17820/2007 (LR) before this Court, for the following reliefs:

"Wherefore, the petitioner prays that this Hon'ble Court be pleased to call for the relevant records and :-

i) Issue a writ of certiorari quashing the impugned order of the Land Tribunal dated 1.8.2007 bearing No.KLR/OCP/SR-81+ 62+73+74/ Ankale passed by Respondent No.2, the Land Tribunal, Khanapur, as per Annexure-A as illegal and void.

ii) Issue a consequential direction to the Land Tribunal, Respondent No.2 to register the Petitioner as tenant to the land in question by granting occupancy rights by allowing Form No.7."

2. The learned Single Judge of this Court allowed the said writ petition vide Order dated 24.02.2022 and remitted the case to the Land Tribunal, Khanapur (in short, 'the Tribunal'), for fresh determination after affording reasonable opportunity to both sides to adduce their oral and documentary evidence.



Aggrieved by the said order, Respondent Nos.4 and 5 therein have preferred this appeal.

3. Sri Jagadish Patil, learned Counsel for the Appellants, fervently submitted that Respondent No.2, after considering the materials on record, rejected the application filed by Respondent No.3 and passed the order after conducting proceedings in accordance with Rule 17 of the Karnataka Land Reforms Rules, 1974. He submitted that the revenue records show that the Appellants are in possession and cultivation of the disputed lands and that the legal representatives of the original applicant adduced no oral or documentary evidence to establish their alleged tenancy or right to claim occupancy rights. Thus, there was no valid ground for the learned Single Judge to interfere with the Tribunal's order rejecting the application for conferment of occupancy rights.

4. Per contra, Sri Prasadkumar Gunaki, learned Counsel for Respondent No.3, vigorously submitted that the Tribunal's order violated Rule 17 of the Karnataka Land Reforms Rules, as Respondent No.3 was not given proper opportunity to substantiate his claim with additional evidence, and the Tribunal did not consider the additional evidence already placed on record



before the Land Reforms Appellate Authority. He contended that the Tribunal erred in rejecting the application despite oral and documentary evidence on record, especially when the Appellants adduced no evidence to disprove the claim. In these circumstances, he argued, the Learned Single Judge was justified in allowing the writ petition and remanding the matter for fresh consideration.

5. Sri Sharad V. Magadam, learned Additional Government Advocate for Respondent Nos.1 and 2, produced the entire record of proceedings before Respondent No.2 and submitted that the impugned order prejudices neither party, as both will have sufficient opportunity to agitate the matter before the Tribunal, the proper forum to decide the issue.

6. Admittedly, the father of Respondent No.3 namely Sri Bhimanna Appu Goral, filed an application before the Tribunal praying for grant of occupancy rights in respect of lands bearing S.No.41/8 measuring 38 guntas, S.No.41/6 measuring 2 acres 30 guntas, S.No.41/4 measuring 6 guntas, and S.No.41/5 measuring 35 guntas, situated at Ankale Village, Khanapur Taluk. Initially, the application was allowed in part on 02.06.1977, granting occupancy rights in respect of S.No.41/8



measuring 19 guntas (out of 38 guntas), S.No.41/6 measuring 20 guntas (out of 2 acres 30 guntas), S.No.41/4 measuring 6 guntas, and S.No.41/5 measuring 35 guntas in favour of the father of Respondent No.3. The said order was challenged in Writ Petition No.5495/1977, which was allowed on 21.03.1980, and the matter remanded to Respondent No.2 for fresh consideration. Post-remand, the Tribunal rejected the application vide order dated 03.11.1987.

7. The applicant challenged the said order by filing an appeal before the Land Reforms Appellate Authority in R.A.L.R. No.47/1988. During pendency of the appeal, the applicant sought permission to adduce additional evidence, which was allowed on 21.06.1989; evidence was adduced before the Appellate Authority on 26.03.1990. Meanwhile, due to amendments to the Land Reforms Act abolishing the Appellate Authority, the appeal was transferred to this Court as Civil Petition No.8800/1991, later converted to Writ Petition No.2237/1995. During its pendency, the original applicant died, and his legal representatives, including Respondent No.3, came on record. This Court allowed the writ petition vide Order dated 12.02.2004 and remitted the case to the Tribunal for fresh



enquiry in accordance with law, permitting the legal representatives and contesting respondents to adduce oral and documentary evidence.

8. After remand, Respondent No.3 adduced oral evidence before the Tribunal on 08.11.2006, reiterating the statements made by the original applicant in his deposition dated 26.03.1990. However, he adduced no other evidence. In these circumstances, the Tribunal rejected the application for registration of occupancy rights vide order dated 01.08.2007, which was challenged in the aforementioned W.P. No.17820/2007.

9. Though the applicant asserted in Form No.7 that he had possessed and cultivated the lands for years preceding the filing, his name appears nowhere in the relevant revenue records, nor does he hold any document evidencing tenancy or crop-sharing. Moreover, the records denote the mode of cultivation as "No. 1" (i.e, self-cultivation) and show no vesting of the lands in the government. Despite filing the occupancy rights application on 08.03.1976 and ample opportunities thereafter, the applicant and his legal representatives failed to adduce evidence before the Tribunal. As noted by the learned Single Judge, affidavits



from Maruthi Appaji Hosurkar, Durgabai Jeevappa Nidagalkar, and Laxmi Gundu Chopade were filed in support but proved inconsequential as none were examined before the Tribunal for one reason or another. Further, it is not the case of the applicant or his representatives that the Tribunal disregarded or denied a specific request for such opportunity. Consequently, no material substantiates the learned Single Judge's view that the Tribunal flouted Rule 17 of the Karnataka Land Reforms Rules, 1974, or ignored directions in W.P. No.2237/1995. We therefore find sufficient grounds to interfere with the impugned order.

10. In the result, this Court passes the following:

ORDER

- i) The Writ Appeal is allowed.
- ii) The Order dated 24.02.2022 passed in W.P. No.17820/2007(LR) by the learned Single Judge of this Court is set aside and the same is dismissed. Consequently, the Order dated 01.08.2007 passed by the Land Tribunal, Khanapur is confirmed.



iii) The learned Additional Government Advocate is directed to receive the entire record of the Land Tribunal produced in the case from the office for return to the concerned Land Tribunal.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**

CKK/ CT:BCK