



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 54 OF 2025 (LR)

BETWEEN:

1. LATE SRI ERAIAH
SINCE DEAD
REPRESENTED BY LEGAL REPRESENTATIVE.

SRI.E. SIDRAMAPPA, S/O ERAIAH,
AGED ABOUT 62 YEARS,
RESIDING AT GOPALA COLONY,
GOPALA POST, TARIKKERE TALUK,
CHIKAMAGALUR DISTRICT -577144.

...PETITIONER

(BY SRI. BADRI VISHAL.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT,
M.S. BUILDING,
BANGALORE -560001.
KARNATAKA.
REPRESENTED BY ITS PRINCIPLE SECRETARY.
2. THE LAND TRIBUNAL
BHADRAVATHI TALUK,
SHIVMOGA DISTRICT-577301.
3. SMT. JAYAMMA
W/O LATE VENKATESH,
AGED MAJOR.
4. SMT. TRIVENI, D/O. PUTTASWAMY,
AGED ABOUT 35 YEARS.



5. SRI. MANJUNATH, S/O. PUTTASWAMY,
AGED ABOUT 33 YEARS.

LATE SRI. BHOJA
S/O. PUTTASWAMY,
AGED ABOUT 30 YEARS,
SINCE DEAD, BY HIS LEGAL REPRESENTATIVES,
RESPONDENTS NO.4 AND 5.

6. SMT. GANGAMMA
W/O. LATE KRISHNA SWAMY @ KITTA,
AGED MAJOR, 59 YEARS.

LATE SRI. ESHWARAPPA
S/O. LATE KRISHNASWAMY,
AGED MAJOR,

SINCE DEAD, BY HIS LEGAL REPRESENTATIVES,
RESPONDENTS NO. 6 AND 7 -10.

7. SRI. ERANNA
S/O. LATE KRISHNASWAMY,
AGED MAJOR, 42 YEARS.

8. SRI. CHANDRA
S/O. LATE THIMMAIAH,
AGED MAJOR, 63 YEARS.

9. SRI. RANGASWAMY ALIAS RANGANATH
S/O. LATE THIMMAIAH, AGED MAJOR.

10. SRI. PRAKASH, S/O. VENKATESH,
AGED MAJOR,

RESPONDENT NO.3 TO 12 ARE ALL
RESIDING AT BOMMANAHALLI VILLAGE,
BARANDUR POST, BHADRAVATHI TALUK,
SHIMOGA DISTRICT -577301.

...RESPONDENTS

(BY SMT.SHARADA H V, AGA FOR R1 AND R2,
SRI N G NIJALINGAPPA, ADVOCATE FOR R3, R5 TO R10
R-4 SERVED)



THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT AND SET ASIDE THE ORDERS DTD. 06.11.2024 AND 18.12.2024 PASSED BY R-2 IN CASE NO.KLRMA 41/74-75 AT ANNEX-A AND B.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Heard the learned counsel appearing for the parties.

2. In this petition, the petitioner is assailing the orders dated 06.11.2024 and 18.12.2024 passed by the respondent No.2/Tribunal in Case No.KLRMA 51/74-75 (Annexures-A & B).

3. Sri Bhadri Vishal, learned counsel appearing for the petitioner submitted by referring the order passed by this Court in WP No.50609/2019 (DD 28.11.2022), wherein the matter was remitted to the Tribunal for fresh consideration. Learned counsel further argued by referring to the impugned order dated 30.10.2024 passed by the respondent No.2/Land Tribunal and submitted that after conclusion of the evidence by the parties, the Tribunal has made an order for spot inspection at this



stage after lapse of almost fifty years, and therefore sought for interference of this Court.

4. In this regard, the learned counsel appearing for the petitioner referred to the judgment of the Hon'ble Supreme Court in the case of **Gowdara Nanjappa vs Matada Basaiah and others** reported in **(2008) 4 SCC 51** and submitted that, it is the duty of the Land Tribunal to look into the revenue entries related to the past period and spread over number of years and continued till the appointed day, and there was no necessity for conducting spot inspection. Therefore, sought for interference of this Court.

5. Per contra, the learned Additional Government Advocate appearing for the respondents No.1 and 2 justified the impugned order dated 30.10.2024 and sought for dismissal of the writ petition.

6. In light of the submissions made by the learned counsel for the parties, on careful consideration of the



same would indicate that, this Court, vide order dated 28.11.2022 (Annexure-D) in WP No. 50609/2019, remitted the matter to the Land Tribunal for fresh consideration. It is relevant to extract the paragraph-2 and the operative portion, which read as under:

"2. Learned HCGP appearing for the State and the Land Tribunal, opposes the Petition making submission in justification of the impugned order. However, despite vociferous contention, he is not in a position to demonstrate as to how the Petitioner is disentitled to the grant of consideration of his claim for the grant of occupancy merely because he started cultivation after 1965, the statutory cut-off date being 1.3.1974. Thus, there is a gross error repeated in the impugned order though the same was pointed out by the court in the earlier Writ petition. The audacity of the members of the Tribunal annoys this court and it very reluctantly refrains itself from levying exemplary costs on the persons who were manning the Tribunal.

In view of the above, the Writ Petition succeeds; a Writ of Certiorari issues quashing the impugned order; the Land Tribunal is directed to consider claim of the Petitioner for grant of occupancy on merits and without saying all second rate things alien to law, time for compliance is six months."

(underlined by me)

7. After looking into the observation made by this Court, I am of the view that, the Tribunal has committed an error to conduct spot inspection, as to verify whether



the original tenant is cultivating the land in question or not. It is also to be noted that the parties have adduced evidence before the Tribunal, and the same was posted for orders. In that view of the matter, I am of the opinion that, the impugned orders dated 06.11.2024 and 18.12.2024 passed by respondent No.2 (Annexures-A and B) are accordingly set aside, and the Land Tribunal is directed to pass an appropriate order in accordance with law in the light of the observations made above within a period of one month from the date of receipt of certified copy of this order.

With the above observation, writ petition is disposed of.

SD/-
(E.S.INDIRESH)
JUDGE