



CNR: KAHC010000542018

NC: 2026:KHC:41656-DB
WA No. 14 of 2018
C/W WA No. 11 of 2018
WA No. 15 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 14 OF 2018 (KLR-RR/SUR)

C/W

WRIT APPEAL NO. 11 OF 2018 (KLR-RR/SUR)

WRIT APPEAL NO. 15 OF 2018 (KLR-RR/SUR)

IN WA No. 14/2018

BETWEEN:

SRI. MUNIYAPPA,
S/O SOLLAPPA,
AGED ABOUT 65 YEARS,
R/A KOLAVANAHALLI,
NANDI HOBLI,
CHICKBALLAPUR TALUK,
CHICKBALLAPUR DISTRICT - 562 101.

...APPELLANT

(BY SRI. SRI. K.N. NITESH, ADVOCATE FOR
SRI. K.V. NARASIMHAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ITS SECRETARY
DEPARTMENT OF REVENUE
VIDHANA SOUDHA,
DR. AMBEDKAR ROAD,
BENGALURU - 560 001.

Digitally
signed by
REKHA R
Location:
High
Court of
Karnataka



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2. THE DEPUTY COMMISSIONER,
CHIKKABALLAPUR DISTRICT,
CHIKKABALLAPUR - 562 101.
3. THE ASSISTANT COMMISSIONER,
CHICKBALLAPUR SUB-DIVISION,
CHICKBALLAPUR TALUK AND
DISTRICT - 562 101.
4. SRI. H. JAYARAMAIAH,
SINCE DEAD BY LR'S
- 4(a). RATHNAMMA,
W/O LATE JAYARAMAIAH,
AGED ABOUT 70 YEARS,
- 4(b). SRI. MURTHY KUMAR,
S/O LATE JAYARAMAIAH,
AGED ABOUT 50 YEARS,
- 4(c). SRI. J. VISHWANATH,
S/O LATE JAYARAMAIAH,
AGED ABOUT 38 YEARS,
- 4(d). SRI. J. SUDHA @ SUDHAMANI,
D/O LATE JAYARAMAIAH,
AGED ABOUT 55 YEARS,

ALL ARE R/AT KOLAVANAHALLI VILLAGE,
SRIRAMPURA POST, NANDI HOBLI,
CHIKKABALLAPURA - 562 101.

- 4(e). SMT. KALAVATHI,
D/O LATE JAYARAMAIAH,
R/AT THANISANDRA MAIN ROAD,
VTC BENGALURU NORTH,
BENGALURU - 560 077,

...RESPONDENTS

(BY SRI. RAGHAVENDRA, AGA FOR R1 TO R3,
SRI. JAI PRAKASH REDDY M, ADVOCATE FOR R4(a-e))



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THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THIS APPEAL AND SET ASIDE THE IMPUGNED ORDER PASSED BY THIS HON'BLE COURT ON DATED:15.11.2017 IN WP NO.14764/201[KLR-RR/SUR] AND ETC.,

IN WA NO. 11/2018

BETWEEN:

SRI MUNIYAPPA,
S/O SOLLALPPA,
AGED ABOUT 65 YEARS,
R/A KOLAVANAHALLI,
CHICKBALLAPUR TALUK,
CHICKBALLAPUR DISTRICT - 562 101.

...APPELLANT

(BY SRI. K.N. NITISH, ADVOCATE FOR
SRI. K.V. NARASIMHAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF REVENUE
VIDHANA SOUDHA,
DR. AMBEDKAR ROAD,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,
KOLAR - 563 101.
3. THE ASSISTANT COMMISSIONER,
CHICKBALLAPUR SUB-DIVISION,
CHICKBALLAPUR TALK
AND DISTRICT - 562 101.



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4. THE TAHSILDAR,
CHICKBALLAPURA TALUK,
CHICKBALLAPUR DISTICT - 562 101.
5. K.B. VENKATESH,
S/O BACHAPPA,
AGED ABOUT 55 YEARS,
KOLAVANAHALLI VILLAGE,
CHICKBALLAPURA TALUK
AND DISTRICT - 562 101.
6. K. MUNIKRISHNAPPA,
S/O KASAGAPPA,
AGED ABOUT 54 YEARS,
KOLAVANAHALLI VILLAGE,
CHICKBALLAPRUA TALUK
AND DISTRICT - 562 101.
7. SRI. K.H. NARAYANAREDDY,
S/O HANUMANTHAPPA,
AGED ABOUT 71 YEARS,
KOLAVANAHALLI VILLAGE,
CHICKBALLAPURA TALUK
AND DISTRICT - 562 101.

...RESPONDENTS

(BY SRI. S.H. RAGHAVENDRA, AGA FOR R1 TO R4,
SRI. Y.R. SADASIVA REDDY, SR. ADVOCATE FOR
SRI. RAHUL S. REDDY, ADVOCATE A/W
M/S SUNANDA SARKAR, ADVOCATE FOR R5 TO R7)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW
THIS APPEAL AND SET ASIDE THE IMPUGNED ORDER
PASSED BY THIS HON'BLE COURT ON 15.11.2017 IN WP
22986/2012 AND WP 32828-829/2012 [KLR-RR/SUR] AND
ETC.,



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IN WA NO. 15/2018

BETWEEN:

SRI. MUNIYAPPA,
S/O SOLLAPPA,
AGED 65 YEARS,
R/AT KOLAVANAHALLI,
CHICKBALLAPURA TALUK,
CHICKBALLAPURA DISTRICT - 562 101.

...APPELLANT

(BY SRI. K.N. NITISH, ADVOCATE FOR
SRI. K.V. NARASIMHAN.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ITS SECRETARY DEPARTMENT
OF REVENUE, VIDHANA SOUDHA,
DR AMBEDKAR ROAD,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,
CHIKKABALLAPUR - 563 101.
3. THE ASSISTANT COMMISSIONER,
CHICKBALLAPURA SUB-DIVISION,
CHICKBALLAPURA TALUK AND
DISTRICT - 562 101.
4. REGULARISATION OF UNAUTHORISED,
CULTIVATION OF LANDS COMMITTEE,
CHIKKABALLAPUR TALUK,
REPRESENTED BY ITS SECRETARY,
TAHSILDAR - CHIKKABALLAPURA TALUK,
CHIKKABALLAPUR DISTRICT - 562 101.
5. SRI. RAMAIAH,
S/O VENKATARAYAPPA,



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R/AT KOLAVANAHALLI,
CHICKBALLAPURA TALUK,
CHICKBALLAPURA DISTRICT - 562 101.

6. SRI. K MUNIRAMAIAH
S/O. MUNIMARAPPA,
SINCE DECEASED BY HIS LRS.

6(a). SMT. KAMALAMMA,
AGED ABOUT 65 YEARS,
W/O LATE MUNIRAMAIAH,

6(b). SRI SAMPATH KUMAR
AGED ABOUT 40 YEARS,
W/O LATE MUNIRAMAIAH,

BOTH ARE R/AT KOLAVANAHALLI VILLAGE,
NANDI HOBLI, CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA DISTRICT - 562101.

6(c). SMT K.M. MANI KUMARI,
AGED ABOUT 37 YEARS,
D/O LATE MUNIRAMAIAH,
W/O P V RAMACHANDRA REDDY,
R/AT WARD NO.24, KALLAPPA LAYOUT,
CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA DISTRICT - 562 101.

7. SRI. K.S. GOPALA,
S/O HANUMANTHAPPA,
AGED ABOUT 51 YEARS,

8. K H NARAYANAREDDY
S/O HANUMANTHAPPA,
AGED ABOUT 46 YEARS,



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9. SRI K B VENKATESH,
S/O BACHAPPA,
AGED ABOUT 46 YEARS,
10. SRI K H KRISHNAPPA,
S/O HANUMAPPA,
AGED ABOUT 65 YEARS,
11. SRI K M MUNIKRISHNAPPA,
S/O KANAGAPPA,
AGED ABOUT 56 YEARS,

RESPONDENT NO.7 TO 11 ARE
R/AT KOLAVANAHALLI,
CHICKBALLAPURA TALUK,
CHICKBALLAPURA DISTRICT - 562 101

...RESPONDENTS

(BY SRI. JAI PRAKASH REDDY M., ADVOCATE
FOR R7 TO R11,
SRI. S.H. RAGHAVENDRA, AGA FOR R1 TO R4,
R5 SERVED AND UNREPRESENTED,
R6(a), R6(b), R6(c) SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW
THIS APPEAL AND SET ASIDE THE IMPUGNED ORDER
PASSED BY THIS HON'BLE COURT ON 15.11.2017 IN WP
NO.14273/2012 [KLR-RR/SUR] AND ETC.,

THESE APPEALS ARE COMING ON FOR HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

These three Writ Appeals are directed against the order dated 15.11.2017 passed by the Writ Court in W.P.Nos.22986/2012 & 32828-32829/2012 C/w. W.P.No.14764/2012 C/w. W.P.No.14273/2012, filed by the contesting respondents herein.

2. The Writ Court under the impugned order, open remanded the matter to the Assistant Commissioner for consideration, setting aside the finding of the Karnataka Appellate Tribunal to keep intact 38 Guntas of land in Sy.No.78 granted in favor of Muniyappa.

3. The parties are referred to as per their rankings before the Writ Court.

4. The appellant herein is respondent No.5 in W.P.Nos.22986/2012 & 32828-32829/2012 and W.P.No.14273/2012 and respondent No.4 in W.P.No.14764/2012 (hereinafter referred to as contesting



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respondent) and the petitioners and other contesting respondents in these appeals are called as Writ Petitioners in the respective Writ Petitions.

5. The grievance of the Writ Petitioners before the Writ Court was that, the contesting respondent granted 38 Guntas of land in Sy.No.78 of Kolavanahalli Village vide order dated 04.02.1987 of the Assistant Commissioner, Chikkaballapur Sub-Division, Chikkaballapur, which was subject matter before the Deputy Commissioner in R.A.No.13/1987-88. The Deputy Commissioner set-aside the order and remanded the matter to the Assistant Commissioner, which was called in question before the Karnataka Appellate Tribunal¹ in Appeal No.671/1989, by the contesting respondents.

6. The KAT by its order dated 24.01.1995, remanded the matter to the Assistant Commissioner with following observations at Paragraph Nos.10 to 12:

¹ the KAT, for short



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"10. The land Survey Number-78 measures one acre thirty-three guntas. It was a gomal land. It was appropriated and released for granting to landless persons by the Assistant Commissioner in No.Dis.R.39 DR 24, 51, 52 dt: 25-07-1951. One acre thirty-three guntas is remained after grant of the land out of Survey Number 78 The Appellant has been in unauthorized occupation of the remaining land to the extant of 1 acre 20 guntas. As per the note in the file this land is granted to the Appellants under Circular RD IC LGP79(P). The note is at page 103 of the file maintained by the Tahsildar wherein it is clearly stated that the application of the Appellant was received on 17-01-1978 for regularization of the unauthorized cultivation. In para 2 of the Circular RD 16 LGP 79(P) there is no bar to take up the application for regularization of the undressed ulceration of land received prior to 30-10-1979. The application of the Appellant for regularization of the unauthorized occupation was filed on 17-01-1978 prior to 31-10-1979. The Deputy Commissioner in his Judgment in RA 80/83.84 has also referred the Circular RD 16 LGP 79(P) dtd : 16-10-1979. By the same Circular the Revenue Officers are authorized to regularize the unauthorized cultivation of the Government land on the application received prior to 31-10-1979 even after deletion of Scn.94(A) w.e.f. 12-03-76. When the Appellant filed an application for regularization of unauthorized cultivation on 17-01-78 the land was granted to him prior to the insertion of Scn.99A the question for filing an application by the Appellant under the inserted scn.94A does not



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arise at all. The inserted section-94A has no bearing on this case at all. It is not necessary for the Appellant to file fresh application after relation of the unauthorized occupation as he had already filed and application on 17-01-1978 and on his application the land was granted in 1980. So the deletion of Scn.94A in 1976 and insertion of the same w.e.f. 20-03-1991 has no bearing on this case at all. It is not necessary for the Appellant to file fresh application under inserted sen. 94A w.e.f. 20.03.1991 for regularization of unauthorized occupation or the land.

11. There is no dispute with regard to availability of land measuring 1 acre 20 guntas. The RTC of the land for 1978-79 found in the file goes to show is 1 acre thirty-three guntas. So 1 acre 20 guntas of land was available for that 1 acre 33 guntas of land is available and extend of Survey Number-78 grant to the Appellant.

12. There is no dispute that there is a Taluka Board road passing in the land in question. The order of the Assistant Commissioner goes to show that the Appellant owns four acres of land and as such he is entitled to only 38 guntas of land as the Appellant is entitled to only 2 hectares of land and his holding should not exceed 2 hectares. The Assistant Commissioner has granted only thirty-eight guntas of land though 1 acre 20 guntas of 1 and is available. As per Rules 4 & 6 of the Rules the Appellant was eligible for 38 guntas of land as he has held 4 acres of land and as such the Assistant



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Commissioner has rightly granted 38 guntas of land to the Appellant. The Deputy Commissioner set aside the order of the Assistant Commissioner on the ground that the entire land is required for the purpose of road and way for the adjoining land owners including the Respondent No.1. water grant of thirty-eight guntas of land adjoining to the road on the western side 26 guntas of land is remained in Survey Number -78. Adjoining land owners can pass through the remaining land including the Respondent Number-1. The grant of thirty guntas of land to the Appellant does not come in the way of Respondent to go to his land and as such the order of the Deputy Commissioner does not hold good. The Assistant Commissioner has rightly granted thirty-eight guntas of land to the appellant after leaving the land for he road and way to the adjoining land."

held that the Assistant Commissioner after going through the record was of the opinion that contesting respondent was already holding 4 Acres of land and as such, he is entitled for another 38 Guntas, out of 01 Acre 20 Guntas as claimed by him in Sy.No.78, as unauthorized occupant of the land which is in all comes within 02 Hectares of land, as per the law standing on that day and keeping that 38 Guntas intact, remanded the matter and allowed the



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appeal setting aside the order passed by the Deputy Commissioner.

7. The said order of the KAT was the subject matter before the Writ Court in W.P.No.20436/1995. The Writ Court upon considering the material on record, by means of order dated 28.07.1998 held that, the order passed by the KAT does not suffer from any infirmity and finding recorded by the KAT, which confirms the order of the Assistant Commissioner is purely the question of fact, and do not require any to interfere with this Court, dismissed the Writ Petition, putting an end to the litigation. We say so, because this order has attained finality as no one challenged the order so far.

8. Thereafter arose the litigation filed by the petitioners after issuance of Saguvali Chit in favor of contesting respondent Muniyappa in respect of 38 Guntas of land contending that, in the order passed by the Assistant Commissioner, the boundaries were not shown



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and the boundary which is shown in Saguvali Chit suffers from discrepancies and the same do not tally with the Survey Sketch appended at Annexure-A to the W.P.No.14273/2012.

9. The Writ Court accepting the contentions of the Writ Petitioners, the Writ Court held that, initially the Tahsildar made recommendation to consider grant of occupancy rights to an extent of 09 Guntas, however the Assistant Commissioner vide order dated 04.02.1987 granted 38 Guntas, out of 01 Acre 20 Guntas of land in Sy.No.78 in favor of Muniyappa. In the order of the Assistant Commissioner, there is no reference to the boundaries of land measuring 38 guntas in Sy.No.78, in order to show that Muniyappa was in actual possession of said extent of land.

10. The Writ Court further observed that what was considered is his entitlement as unauthorized occupant to seek grant upto a particular limit of 02 Hectares. In that



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view of the matter, the Writ Court was of the opinion that since there is discrepancy in the Saguvali Chit in respect of boundaries of the land, remanded the matter to the Assistant Commissioner, however setting aside the finding of the KAT to an extent of 38 Guntas of land which has already attained finality as stated afore. In other words, an open remand order has been passed to consider other applications filed by the petitioners. It is this order passed by the Writ Court, is called in question in these batch of appeals.

11. Heard, Sri.K.N.Nitish, learned counsel appearing for Sri.K.V.Narasimhan, learned counsel appearing for Sri.Muniyappa/contesting respondent, Sri.S.H.Raghavendra, learned Additional Government Advocate for the State, Sri.Y.R.Sadasiva Reddy, learned Senior counsel assisted by Sri.Rahul S.Reddy and Ms.Sunanda Sarka, learned counsel for contesting petitioners and Sri.Jai Prakash Reddy.M, learned counsel for contesting petitioners in all the appeals.



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12. Both the counsel appearing for the Writ Petitioners and contesting respondent argued in support and against the order passed by the Writ Court.

13. What transpires from record is, the Assistant Commissioner, Chikkaballapura Taluk vide order dated 04.02.1987 granted 38 Guntas of land out of 01 Acre 20 Guntas of land in Sy.No.78 in favor of Muniyappa/ contesting respondent/appellant herein. The said order was subject matter in several round of litigation and ultimately, the KAT has held that the Assistant Commissioner has rightly granted 38 Guntas of land in favor of Muniyappa, which was subject matter before the Writ Court in W.P.No.20436/1995. The Writ Court dismissed the said Writ Petition, while observing that the finding recorded by the KAT confirming the order of the Assistant Commissioner in respect of 38 Guntas of land is purely a question of fact, which do not require any interference by the Court. The said order has attained finality, as there is no challenge laid to the said order.



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14. The answer of Sri.Y.R.Sadasiva Reddy, learned Senior counsel for the petitioners on the point of finality to the Assistant Commissioner's order merged in the Writ Court order is that, they were not parties to the said Writ Petition, however to the query, Sri.Sadasiva Reddy, learned Senior counsel fairly concedes that there is no challenge made to the said order by the petitioners.

15. Once the order having been confirmed up to this Court in Writ Petition holding that the finding recorded by the KAT confirming the order of the Assistant Commissioner in respect of 38 Guntas of land is purely a question of fact, again on the basis of certain discrepancies alleged in the Saguvali Chit, it is not proper to re-open the settled matter, till the order passed by the Writ Court is intact, wherein all other orders granting 38 Guntas of land in favor of the petitioners merged. In that view of the matter, the open remand setting aside the finding of the KAT in the earlier round of litigation up to this Court is nothing but reviewing the order or sitting in



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appeal on the order which is not amenable to the Writ Court to sit over the order passed by coordinate Writ Court way back in the year 1998. In that view of the matter, we find substance in the argument of learned counsel appearing for the appellant. Accordingly, we restore the finding of KAT so far as 38 Guntas of land of Muniyappa/contesting respondent, which was granted way back in the year 1987 and remand the matter in respect of consideration of claim of other contesting respondents in respect of other lands. There is a clear finding by the KAT as well as the Assistant Commissioner in the earlier order dated 04.02.1987 that out of 01 Acre 20 Guntas of land, 22 guntas has been utilized for the purpose of road and remaining 38 Guntas has been granted in favor of Muniyappa, as he was already holding 04 Acres of land, and the maximum limit to be granted is 02 Hectares of land, under relevant Rules standing as on that date.

16. It is the duty of the Revenue Authorities to see that road or commutation is not blocked. The Revenue



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Authorities upon consideration of the case, under remand before the Assistant Commissioner, while re-doing the survey and except 38 Guntas of land in favor of Muniyappa, must consider the existing road for the purpose of ingress and egress of other parties under various claims.

17. With these observations and modification, the Writ Appeals are allowed, keeping land granted in favor of Muniyappa/ appellant herein to an extent of 38 Guntas in Sy.No.78 of Kolavanahalli Village intact.

18. In view of disposal of the Writ Appeals, pending interlocutory applications, if any, stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 Sl No.: 19