



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 4829 OF 2017 (LR)

BETWEEN:

1. KRISHNAPPA B AMIN
S/O DOOMU POOJATHY & BOGGA POOJARY,
AGED 73 YEARS,
POOJARY HOUSE,
TIRUVAIL VILLAGE, VAMANJUR,
MANGALURU TALUK,
D.K.DISTRICT

...PETITIONER

(BY SRI.DHANANJAY KUMAR., ADVOCATE)

AND:

1. THE LAND TRIBUNAL
BANTWAL TALUK,
D.K DISTRICT,
REPRESENTED BY ITS CHAIRMAN
2. MARIAN PARIS BHAT
S/O LATE GILBERT PARIS BHAT,
AGED 59 YEARS,
LIGHT HOUSE HILLS, BAVUTA GUDDE,
MANGALURU,
D.K.DISTRICT

...RESPONDENTS

(BY SMT. SHARADA H.V., AGA FOR R1;
SRI.D.R.RAVISHANKAR, SENIOR ADVOCATE FOR
ABHISHEK MARLA M.J, FOR R2)



THIS WP FILED PRAYING TO QUASH THE ORDER DTD.18.9.2015 PASSED BY THE LAND TRIBUNAL, MANGALURU IN LRT NO.1103/1978-79, VIDE ANNEX-A TO THE W.P.GRANT AN INTERIM ORDER TO STATUS QUO WITH REGARD TO POSSESSION OF THE PETITIONER OVER THE LANDS MENTIONED IN THE SCHEDULE.

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

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

ORAL ORDER

Heard learned counsel appearing for the parties.

2. The learned counsel appearing for the petitioner submitted that there is a clerical error in the order dated 20.10.1981 passed by the Land Tribunal, and accordingly, seeking a direction from this Court for rectification of the said error.

3. In this regard, Sri. D.R. Ravishankar, learned Senior Counsel appearing for Sri. Abhishek Marla M.J., learned counsel for private respondent No. 2, referring to the



order dated 15.10.1990 passed in W.P.No.4614/1988, submits that an incorrect submission has been made before this Court that the petitioner herein had already filed an application under Section 48-A(6) of the Karnataka Land Reforms Act, 1961, seeking rectification of the clerical error. However, learned senior counsel submits that the said application was filed subsequently in the year 1987, as per Annexure-C.

4. Learned senior counsel further submits, by placing reliance on the judgment of the Hon'ble Supreme Court in the case of **Narayanappa (Dead) by LRs v. B.S. Ramaswamy (Dead) by LRs and Others¹**, that the petitioner cannot be permitted to seek rectification of the survey number as well as the village in respect of which the original order passed by the Land Tribunal. Accordingly, sought for dismissal of the writ petition.

5. In the light of the submission made by the learned counsel appearing for the parties and on careful

¹ AIR 2016 SC 3635



consideration of the impugned order at Annexure-A, wherein, the Land Tribunal rightly rejected the application on the ground that the said application made by the petitioner seeking change of both the survey number and the village cannot be accepted.

6. Be that as it may, on careful consideration of the order dated 15.10.1990 in WP.No.4614/1988 (Annexure-J) wherein, a submission was made before this court that the petitioner herein has already made an application seeking the change of the village and the survey number in respect of the land in question. However, the said application cannot be accepted as admittedly the petitioner has made an application on 01.01.1997 as per annexure-L.

7. In that view of the matter, having regard to the declaration of law made by the Hon'ble Supreme Court in Narayanappa (*supra*), particularly in paragraph No. 19 of the judgment, I am of the considered view that, relief sought by the petitioner in the present case is substantially identical to the relief sought before the Hon'ble Supreme Court.



Therefore, the law laid down therein applies to the facts of the present case. Consequently, I am not inclined to interfere with the impugned order. Accordingly, the writ petition stands ***dismissed***.

SD/-
(E.S.INDIRESH)
JUDGE

AG
List No.: 1 Sl No.: 42