



CNR: KAHC010025092014

NC: 2026:KHC:54353
WP No. 47196 of 2014

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 47196 OF 2014 (LR-SEC 48A)

BETWEEN:

HUCHCHAPPA
S/O BASAPPA,
SINCE DEAD BY HIS LRS.

1. SMT. SHARADA,
W/O BASAVARAJ HAVANUR,
AGED ABOUT 51 YEARS,
R/O. CHOWDESHWARA LAYOUT,
1ST CROSS, RANEBENNUR,
HAVERI DISTRICT.
2. MANJAPPA
S/O LATE HUCHAPPA
AGED ABOUT 67 YEARS
R/O GUTTURU VILLAGE,
HARIHARA TALUK,
DAVANGERE DISTRICT.
3. SMT. RATHNAMMA
W/O HALAPPA BARKERE,
AGED ABOUT 65 YEARS,
R/O. GUTTURU VILLAGE,
HARIHARA TALUK,
DAVANAGERE DISTRICT.
4. SMT. GOWRAMMA
W/O REVANAPPA BATI,

Digitally signed by
CHAYAS A
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010025092014

NC: 2026:KHC:54353
WP No. 47196 of 2014

AGED ABOUT 58 YEARS,
R/O. YARAGUNTE,
HARIHARA TALUK,
DAVANAGERE DISTRICT.

5. SMT. LALITHAMMA
W/O BOJAPPA,
AGED ABOUT 62 YEARS,
R/O. POST HODDIGERE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT.

...PETITIONERS
(BY SRI VINAYAKA S KOTI, ADVOCATE FOR
SRI GANGADHAR G D.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO DEPARMENT
OF REVENUE, M S BUILDING,
VIDHANA VEEDI,
BANGALORE-560 001.
2. THE LAND TRIBUNAL
BY ITS SECRETARY, HAIHAR-577 601.
3. BHIMA RAO
SINCE DECEASED REPRESENTED BY HIS L.Rs.
3(a) VIMALADAS,
SINCE DECEASED
REPRESENTED BY HER LRs.
- 3(a)(a) SRI VIJAY
S/O LATE VIMALA DAS
R/AT #1111, 1ST MAIN,
TANVI, SIR M VISVESHWARAIAH ROAD,
NEAR CORPORATION PARK,
NIJALINGAPPA BADAVANE,
DAVANAGERE- 577004



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NC: 2026:KHC:54353
WP No. 47196 of 2014

- 3(a)(b) SRI VINAY
S/O LATE VIMALA DAS
AGE MAJOR
R/AT # 1111, 1ST MAIN
TANVI, SIR M VISVESHVARAIAHA ROAD
NEAR CORPORATION PARTK
NIJALINGAPPA BADAVANE
DAVANAGERE-577004.
- 3(b) Sri P B IJATHKAR
SINCE DEAD BY HIS LR.
- 3(b)(a) SRI SANDEEP
S/O LATE P B IJATHKAR
AGED ABOUT 55 YEARS
R/AT #272/1, I.B. ROAD CROSS
K.B. BADAVANE, CHAR GHAR STREET
NEAR JAYADEVA CIRCLE
DAVANAGERE-577002.
4. SMT VIDYA BONADADE
MAJOR,
W/O SHYAM BONDADE,
OCC:HOUSEWIFE
R/O NO.750, NIJALINGAPPA
BADAVANE
DAVANAGERE-577 002.

...RESPONDENTS

(BY SMT.H V SHARADA, AGA, FOR R1 & R2,
SRI R GOPAL, ADVOCATE FOR R4 AND R3(B)(A),
R3(B), R3(A)(A) ARE SERVED AS PER R(J) CIRCULAR 126/21
DTD:25.11.2021,
NOTICE TO R3(B)(A) IS H/S V/C/O DTD:23.06.2025)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER PASSED BY THE LAND TRIBUNAL, HARIHAR
IN CASE NO.LRMTC 244/74-75 DTD 14.3.2013, VIDE ANNEX-D.



CNR: KAHC010025092014

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WP No. 47196 of 2014

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

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

ORAL ORDER

In this writ petition, petitioners are assailing the order dated 14.03.2013 in case No.LRM.TC.CR.244/74-75 (Annexure-D) passed by the respondent No.2 - Land Tribunal.

2. It is the case of the petitioners that, the petitioners are cultivating the land bearing Sy. No.156 measuring 5.00 acres and Sy. No.46 measuring 10.00 acres of Guttur Village in Harihara taluk, as a tenant. It is also stated that, the father of deceased petitioner-Huchchappa and petitioners' grandfather-Basappa are parting with the proceeds in the land in question. It is also stated in the writ petition that, the petitioners' grandfather (Basappa) had made an application seeking occupancy right in respect of the land in question by filing Form No.7 and the same was accepted by the respondent No.2-Land



Tribunal and granted occupancy right in respect of land in question. However, the same was challenged before this Court in WP No.34445/2004 and this Court vide order dated 08.02.2006 (Annexure-C) allowed the writ petition and remanded the matter to the respondent No.2-Land Tribunal for fresh consideration. Thereafter, the respondent No.2-Land Tribunal has passed the impugned order dated 14.03.2013 (Annexure-D). Being aggrieved by the same, the petitioners have filed the present writ petition.

3. Heard Sri Vinayaka S Koti, the learned counsel appearing on behalf of Sri Gangadhar G D, learned counsel appearing for the petitioners, Sri R Gopal, learned counsel appearing for respondents No.3(b)(a) and 4 and Smt.H V Sharada, learned Additional Government Advocate appearing for respondents No.1 and 2.

4. It is contended by the learned counsel appearing for the petitioners that, the finding recorded by



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WP No. 47196 of 2014

the respondent No.2 - Land Tribunal is based on the affidavit filed by the petitioners herein through their learned counsel who has committed fraud by filing the said affidavit before the Land Tribunal, and therefore contended that, the impugned order passed by the Land Tribunal requires to be interfered with in this writ petition. It is further contended by the learned counsel appearing for the petitioners that, the predecessor of the petitioners was in cultivation of the land in question, and thereafter, the petitioners continued to be in possession of the land in question, and therefore submitted that, the finding recorded by the Land Tribunal requires to be set aside in this writ petition.

5. *Per contra*, Sri R Gopal, learned counsel appearing for the respondent Nos.3(b)(a) and 4 submitted that, the name of the petitioners or their predecessor-in-interest has not found place in the RTC extracts as on 01.03.1974 and the land in question were never tenanted



CNR: KAHC010025092014

NC: 2026:KHC:54353
WP No. 47196 of 2014

to the petitioners herein or their predecessor-in-interest and therefore submitted that, the impugned order passed by the respondent No.2-Land Tribunal is just and proper which requires to be confirmed in this writ petition.

6. *Per contra*, Smt.H V Sharada, learned Additional Government Advocate appearing for respondent - State produced the original records from the office of the Land Tribunal.

7. Perusal of the original records pertaining to the land in question would indicate that, the name of the predecessor-in-interest of the petitioners are not found in the RTC extracts from 1970-1971 to 1974-1975. It is also forthcoming from the original records that, the name of the deceased petitioner-Huchchappa or their predecessor-in-interest is not found place in the RTC extracts. However, perusal of the records would indicate that, one Basappa, son of Hanumanthappa, (grandfather of the petitioners) had filed Form No.7 seeking occupancy right.



CNR: KAHC010025092014

NC: 2026:KHC:54353
WP No. 47196 of 2014

8. Taking into consideration the fact that, the name of deceased petitioner - Huchchappa has not found place in the RTC extracts from 1970 till 1977 and also it is forthcoming from the finding recorded by the Land Tribunal wherein the deceased petitioner-Huchchappa himself had filed the affidavit stating that he is not in cultivation of the land in question, and therefore, I am of the view that, no interference is called for in this writ petition. Though the learned counsel appearing for the petitioners made an attempt that, the counsel representing the petitioners has misrepresented and filed the false affidavit before the respondent No.2-Land Tribunal, however, if such being the case, though the impugned order passed by the respondent No.2-Land Tribunal on 14.03.2013, no appropriate action has been taken against the learned counsel representing the petitioners therein insofar as filing a false affidavit on behalf of the petitioners and also the learned counsel representing the petitioners has not been arrayed as a



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NC: 2026:KHC:54353
WP No. 47196 of 2014

party before this Court, and therefore, I am of the view that, no interference is called for in this writ petition. That apart, no independent witness has been examined by the petitioners to establish that, they were in cultivation of the land in question. In that view of the matter, the petitioners have failed to establish that, they were in cultivation of the land in question as on 01.03.1974, and in that view of the matter, following the declaration of law made by this Court in the case of **Krishna Bhat vs I Land Tribunal, Bantwal** reported in **ILR 1986 Kar. 1574**, I am of the view that, no interference is called for in this writ petition.

Accordingly, the writ petition is dismissed.

SD/-
(E.S.INDIRESH)
JUDGE

BKM
List No.: 1 Sl No.: 47