



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO. 27342 OF 2017 (LR)

BETWEEN:

SRI. BASAVANNA DEVARA TEMPLE
REPRESENTED BY ITS CONVENERS

1. H.C.MUNIYAPPA,
S/O CHENNEGOWDA
AGED ABOUT 80 YEARS,
R/AT HONNAGANAHATTI VILLAGE
TAVAREKERE HOBLI
BANGALORE SOUTH TALUK.
2. SRI. PATEL K. ANJANAPPA
S/O LATE KARIHANUMAIAH
AGED ABOUT 70 YEARS,
R/AT HONNAGANAHATTI VILLAGE
TAVAREKERE HOBLI
BANGALORE SOUTH TALUK.
3. SRI. B. CHIKKAIAH
S/O LATE BYRAPPA,
AGED ABOUT 78 YEARS,
R/AT HONNAGANAHATTI VILLAGE
TAVAREKERE HOBLI
BANGALORE SOUTH TALUK.
4. SRI. VENKATAPPA
S/O LATE HANUMANTHAIAH,
AGED ABOUT 75 YEARS,
R/AT HONNAGANAHATTI VILLAGE
TAVAREKERE HOBLI
BENGALURU SOUTH TALUK.



5. SRI. CHANNABYRAPPA
S/O LATE BYRAPPA,
AGED ABOUT 65 YEARS,
R/AT HONNAGANAHATTI VILLAGE
TAVAREKERE HOBLI
BENGALURU SOUTH TALUK.
6. SRI. BASAVANNA MATTU SRI. MARAMMA MATTU
SRI. KUNDALAMMA DEVARA SEVA TRUST (REG)
HONNAGANAHATTI VILLAGE
TAVAREKERE HOBLI,
BENGALURU SOUTH TALUK
BENGALURU - 562 130.
REPRESENTED BY ITS
GENERAL SECRETARY
SRI. RAMESH H.M.

...PETITIONERS

(BY SRI. HARISH N. R., ADVOCATE)

AND:

1. THE AUTHORIZED OFFICER
AND THE ASSISTANT COMMISSIONER
BANGALORE SOUTH SUB DIVISION,
BENGALURU.
2. POOJARI HONNAPPA
SINCE DECEASED BY HIS LRS
- 2(a). PUTTANANJAMMA
W/O LATE HONNAPPA
(DIED DURING THE PENDENCY OF THE APPEAL)
- 2(b). RUDRAPPA
S/O LATE HONNAPPA
AGED ABOUT 48 YEARS,
WORKING AS VILLAGE ACCOUNTANT



2(c). REVANNA
S/O LATE HONNAPPA
AGED ABOUT 44 YEARS,

2(d). BASAVARAJU
S/O LATE HONNAPPA
AGED ABOUT 40 YEARS,

RESPONDENTS NO.2(b) TO 2(d)
ARE R/OF HONNAGANAHATTI VILLAGE
TAVAREKERE HOBLI
BENGALURU SOUTH TALUK.

2(e). NANJAPPA
SINCE DECEASED BY HIS LRS

2(e)(1). SMT. LALITHAMMA
W/O LATE NANJAPPA,
AGED ABOUT 40 YEARS,

2(e)(2). CHI. ROHITH
S/O LATE NANJAPPA,
AGED ABOUT 20 YEARS,

2(e)(3). CHI. MOHAN
S/O LATE NANJAPPA,
AGED ABOUT 17 YEARS,
BEING MINOR
REPRESENTED BY HIS MOTHER
AND NATURAL GUARDIAN
SMT. LALITHAMMA

R2(e)(1) TO R2(e) (3) ARE
RESIDENTS OF INDIRANAGAR,
OPP. TO POST OFFICE,
NELAMANGALA,
BENGALURU RURAL DISTRICT.

2(f). REVAMMA
D/O LATE HONNAPPA,
W/O RENUKAPPA,



AGED ABOUT 41 YEARS,
R/AT CHANDRAPPA CIRCLE,
CHUNCHANAKUPPE POST,
THAVAREKERE HOBLI,
BENGALURU SOUTH TALUK.

3. SUBBANNA
SINCE DECEASED BY HIS ALLEGED LR.
- 3(a). T. S. NAGARAJA RAO
S/O SUBBANNA,
AGED : MAJOR
R/AT NO.439, 15TH MAIN,
1ST BLOCK, 3RD STAGE,
BASAVESWARANAGAR,
BENGALURU - 560 079.
4. THE STATE OF KARNATAKA
REPRESENTED BY ITS REVENUE SECRETARY
VIDHANA SOUDHA
VIDHANA VEEDHI
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 AND R4;
SRI. PRAKASH T. HEBBAR, ADVOCATE FOR
SRI. MUNIYAPPA, ADVOCATE FOR LRS OF R2(a) TO (d),
R2(e)(1) TO R2(e) (3), R2(f);
R3(a) SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DATED 10.02.2017 PASSED BY THE
KARNATAKA APPELLATE TRIBUNAL FOR HAVING DISMISSED
THE APPEAL FILED BY THE PETITIONERS HEREIN APPEAL
NO.1111/2006 AND THE ORDER DATED 02.02.2005 WHICH IS



SHOWN AS 02.01.2005 IN THE ORDER SHEET PASSED BY THE AUTHORISED OFFICER CUM THE ASSISTANT COMMISSIONER, BANGALORE SOUTH SUB-DIVISION, BANGALORE THE R-1 HEREIN IN LRF (7A) 02/2000-2001 WHICH ARE IMPUGNED IN THIS WRIT PETITION VIDE ANNEXURE-A AND B RESPECTIVELY.

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

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

ORAL ORDER

Heard Sri. Harish N.R., learned counsel appearing for the petitioners; Sri. Spoorthy Hegde N, learned High Court Government Pleader appearing for the respondent-State and Sri. Prakash T. Hebbar, learned counsel appearing for Sri. Muniyappa, learned counsel for legal representatives of respondent No.2.

2. In the present writ petition, the petitioners have assailed the order dated 10.02.2017 passed by the Karnataka Appellate Tribunal in Appeal No.1111/2006 (Annexure-A), confirming the order



dated 02.02.2005 passed in LRF (7A) No.02/2000-01
by the Authorised Officer-cum-Assistant
Commissioner, Bangalore South Sub-Division
(Annexure-B).

3. The relevant facts necessary for adjudication
of this writ petition are that the land bearing Sy.
No.17, measuring 01 acre 16 guntas, situated at
Honnaganahatti Village, Tavarekere Hobli, Bangalore
South Taluk, originally belonged to one Subbanna
(since deceased, represented by Sri S. Nagaraj Rao).
In the said village, the deity Basavanna Devaru is
worshipped by the villagers. It is the case of the
petitioners that, for the purpose of performing regular
pooja and maintaining the temple, the forefathers of
the petitioners, namely Patel Channahanumegowda,
Thimmachikkappa, Chikkaiah, Narayana, Hanumaiah



and others purchased the subject land under a registered Sale Deed dated 28.01.1899 (Annexure-C).

4. It is further contended that one Poojari Honnappa, son of Honnappa, filed an application in Form No.7A (Annexure-E) seeking occupancy rights in respect of the subject land, claiming that he was cultivating the land as a tenant under Subbanna. According to the petitioners, the subject land had already been purchased by their forefathers and, therefore, the proceedings initiated against Subbanna, who was not the landlord of the subject land, were wholly without jurisdiction. Nevertheless, the competent authority, by order dated 02.02.2005, granted occupancy rights in favour of Poojari Honnappa and as such, being aggrieved by the said order, the petitioners, claiming to be the convenors of Basavanna Devaru Temple, preferred an appeal before



the Karnataka Appellate Tribunal. The Tribunal, by order dated 10.02.2017, dismissed the appeal and confirmed the order of the Authorised Officer- cum- Assistant Commissioner. Hence, the present writ petition.

5. Sri N.R. Harish, learned counsel appearing for the petitioners, invited the attention of the Court to the registered Sale Deed dated 28.12.1899 and contended that the entire proceedings before the competent authority were initiated against Subbanna, who was neither the owner nor the landlord of the subject land. Therefore, argued that, the proceedings stand vitiated.

6. Learned counsel appearing for the petitioner further submitted that immediately upon execution of the registered Sale Deed, it was incumbent upon the revenue authorities to mutate the names of the



purchasers in the revenue records. Placing reliance upon the judgment of this Court in the case of **Govind Hari Kulkarni v. Land Tribunal, Hukeri and another** reported in **ILR 1977 Kar 1126**, learned counsel contended that issuance of notice to the landlord is mandatory in proceedings under the Karnataka Land Reforms Act, 1961 and the failure to issue such notice vitiates the entire proceedings. Reliance was also placed on the judgment of this Court in the case of **S Siddappa and others v. State of Karnataka** reported in **ILR 1998 Kar 2757**, to contend that as the purchasers had no notice of the proceedings, the delay in approaching this Court cannot be held against them. Accordingly, sought for interference of this Court.

7. Per contra, Sri. Prakash T. Hebbar, learned counsel appearing for legal representatives of



respondent No.2 invited the attention of the Court to the Record of Rights, particularly for the year 1976-77 and submitted that the applicant was in actual cultivation of the land for more than five decades. He further contended that the petitioners or their predecessors had not taken any steps for more than a century to mutate their names in the revenue records and, therefore, the writ petition deserves to be dismissed on the ground of delay and laches.

8. It is further submitted that the petitioners had also instituted O.S. No.207/2007 before the Additional Civil Judge (Junior Division), Magadi, seeking declaration and consequential permanent injunction in respect of the very same property, and the said suit came to be dismissed. Consequently, the claim of the petitioners has attained finality, and the present writ petition is not maintainable.



9. Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State sought to justify the impugned orders and submitted that though the sale transaction is stated to have taken place in the year 1899, the purchasers never acted upon the said document for more than one hundred years by securing mutation of their names in the revenue records. Therefore, no interference is called for in this writ petition.

10. Having considered the submissions made by the learned counsel appearing for the parties and upon perusal of the material on record, this Court finds that the registered Sale Deed dated 28.12.1899 (Annexure-C) establish the purchase of the subject land by the forefathers of the petitioners. However, admittedly, no mutation entries were effected into their favour thereafter for the century.



11. The RTC extracts produced for the relevant period commencing from 1970-71 disclose that the name of Poojari Mariyappa/Poojari Honnappa has been entered as the cultivator in Column No.12, whereas the name of Shanbog Subbanna continued to be shown in Column No.9 as the khatedar. The respondents have produced RTC extracts continuously from, 1970-71 onwards which consistently indicate the cultivation of the land by Poojari Honnappa.

12. Though learned counsel for the petitioners contended that the proceedings were initiated without impleading the true owners, the findings recorded by the Karnataka Appellate Tribunal, particularly in paragraph 9 of the impugned order, clearly indicate that neither the petitioners nor their predecessors took any steps for more than one hundred years to have the revenue records mutated in their names.



Consequently, the name of Subbanna continued in the revenue records until the relevant period. It is also forthcoming from the RTC extracts that, petitioners are not in possession of the land in question.

13. Both the authorities have considered the material on record and have rightly followed the law laid down by the Full Bench of this Court in ***Lokayya Poojary v. State of Karnataka and others***, reported in ***ILR 2012 Kar 4345*** while granting occupancy rights in favour of the applicant in Form No.7A. The Form No.7A application (Annexure-E) itself discloses the name of Shanbog Subbanna as the landlord and further indicates that the applicant had been cultivating the land for more than 33 years prior to filing the application.

14. The judgments relied upon by the learned counsel for the petitioners do not advance their case.



The petitioners and their predecessors remained silent for over a century without taking steps to mutate their names in the revenue records or taking possession of the land in question. At this distant point of time, the settled position cannot be unsettled.

15. Accordingly, this Court finds no merit in the writ petition. The writ petition is, therefore, ***dismissed.***

SD/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 58