



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO. 24702 OF 2017 (LR)

BETWEEN:

1. CHANNABASAVARAJU
S/O LATE NANJE MARIYAPPA.
SINCE DEAD, BY HIS LRS.
- 1(a). SMT. SIDDAGANGAMMA
W/O LATE CHANNABASAVA DEVARU,
AGED ABOUT 58 YEARS.
- 1(b). SRI. MANJUNATH @ LOKESH C.
S/O LATE CHANNABASAVA DEVARU,
AGED ABOUT 25 YEARS.

BOTH ARE RESIDING AT:
HUNSUMARANAHALLI VILLAGE,
JALA HOBLI,
BENGALURU NORTH - 562 157.

...PETITIONERS

(BY SRI. SARAVANA S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF LAND REVENUE,
M.S. BUILDING,
BENGALURU - 560 001.
REP. BY ITS PRINCIPAL SECRETARY.
2. THE SPECIAL LAND ACQUISITION OFFICER
AND THE TAHSILDAR,
BENGALURU NORTH TALUK,
BENGALURU - 560 001.
3. SAMSTHANA MUTT
(ALSO CALLED JANGAMA MUTT)

Digitally signed
by GHA YA S A
Location: HIGH
COURT OF
KARNATAKA



REP. BY SRI. GURUNANJESHWARA
SHIVACHARYA SWAMIGALU,
HUNASAMARANAHALLI VILLAGE,
JALA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU - 562 157.

...RESPONDENTS

(BY SRI. B.J. ESWARAPPA, AGA FOR R1 AND R2;
SRI. G. BALAKRISHNA SHASTRY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE JUDGMENT DATED 17TH MAY, 2017 PASSED BY THE KARNATAKA APPELLATE TRIBUNAL IN APPEAL NO.530/2008 VIDE ANNEXURE-D; AND ETC.

THIS PETITION COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE E.S. INDIRESH

ORAL ORDER

In this petition, petitioners are challenging the order dated 17th May, 2017 (Annexure-D) passed by the Karnataka Appellate Tribunal in Appeal No.530/2008.

2. It is the case of petitioners that the grandfather of petitioner viz., Nanje Mariyappa was in occupation and cultivation of subject land since from the year 1968-69 as a tenant under the respondent No.3. It is stated that, after the death of Nanje Mariyappa, his son Channabasavaraju continued to be in possession and cultivation of the subject land. It is also stated that, as the grandfather of the petitioners viz.,



Nanje Mariyappa did not availed the benefit of filing Form No.7, seeking occupancy right in respect of the subject land, the father of the petitioner late Channabasavaraju filed Form No.7A, seeking grant of occupancy right in respect of the subject land and as such, the proceedings in case No.LRF.7(A)198/1999-2000 was initiated before the respondent No.2. The respondent No.2, by order dated 28th March, 2008 (Annexure-C) accepted the application in Form No.7(A) filed by the father of the petitioners to the extent of 18 guntas in Survey No.24 of Hunasamaranahallil Village, Jala Hobli, Bengaluru North Taluk. Being aggrieved by the same, the respondent No.3 preferred Appeal No.530/2008 before the Karnataka Appellate Tribunal. The Karnataka Appellate Tribunal, by order dated 17th May, 2017 (Annexure-D) allowed the appeal and as such, set-aside the order dated 28th March, 2008 (Annexure-C) passed by the respondent No.2 in case No.LRF.7(A)198/1999-2000. Being aggrieved by same, petitioners being legal representatives of Channabasavaraju preferred this petition.

3. Heard Sri. Saravana S., learned counsel appearing for petitioners; Sri. B.J. Eswarappa, learned Additional



Government Advocate appearing for respondents 1 and 2; and Sri. G. Balakrishna Shastry, learned counsel appearing for the respondent No.3.

4. Sri. Saravana S., learned counsel appearing for petitioners, by referring to RTC extract of the year 1973-74 contended that the RTC stand in the name of grandfather and the father of the petitioners. Therefore, he argued that the grandfather and father of petitioners were the tenant under the respondent No.3 for more than fifty years. Accordingly, it is contended that the Karnataka Appellate Tribunal has not considered the said aspect of the matter, while passing the impugned order.

5. It is also argued by learned counsel appearing for the petitioners that, the vesting of the land by the Government is by operation of law and no such documents are required to prove the vesting. Accordingly, he sought for interference of this Court.

6. Per contra, Sri. G. Balakrishna Shastry, learned counsel appearing for the respondent No.3 refers to the finding recorded in the impugned order particularly at paragraphs 9



and 12 and argued that the Karnataka Appellate Tribunal, after considering the material on record had rightly declined to accept the From No.7(A) filed by the father of petitioners. Accordingly, he sought for dismissal of the petition.

7. Sri. B.J. Eswarappa, learned Additional Government Advocate appearing for respondents 1 and 2 produced the original records pertaining to the subject land.

8. In the light of submission made by learned counsel appearing for the parties, I have carefully perused the original records. On perusal of the same, it is forthcoming that the name of grandfather of petitioners *viz.*, Nanje Mariyappa was shown and type of cultivation was shown as 'Swantha'. I do not find any material before this Court so as to show that the father of petitioners was a tenant under the respondent No.3. On perusal of the finding recorded by the Karnataka Appellate Tribunal in the impugned order, particularly at paragraph 12, it is forthcoming that, already an extent of 11.10 acres of land was granted in favour the family members of petitioners, which came to be confirmed by the Special Deputy Commissioner for Inam Abolition, by order dated 09th March, 1965. In that view



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of the matter, looking into reasons assigned by the Karnataka Appellate Tribunal, I am of the view that no interference be called for in this petition. Accordingly, writ petition is ***dismissed.***

**SD/-
(E.S. INDIRESH)
JUDGE**

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List No.: 1 Sl No.: 76