



CNR: KAHC010077832017

NC: 2026:KHC:43377  
WP NO.32309 OF 2017

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

DATED THIS THE 13<sup>TH</sup> DAY OF AUGUST, 2026

BEFORE

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

**WRIT PETITION NO.32309 OF 2017 (KLR-RR/SUR)**

**BETWEEN:**

SHRINGERI SHRI SHARADA PEETHA, SHRINGERI,  
KUNDAPUR PRANTYA,  
UDUPI DISTRICT.

REP. BY ITS DHARMADHIKARI,  
DR. H.V. NARASIMHAMURTHY,  
S/O H.V. VISHWESHWARAI AH BHAT,  
AGED ABOUT 71 YEARS,  
R/AT CHETANA NIRUMBALLI ROAD,  
KOTESHWAR POST, KUNDAPURA,  
UDUPI DISTRICT - 576 222.

...PETITIONER

(BY SRI. VIGNESHWAR S. SHASTRY, SENIOR COUNSEL FOR  
SRI. GURURAJ R., ADVOCATE)

**AND:**

Digitally signed by  
CHAYA S A  
Location: HIGH  
COURT OF  
KARNATAKA

1. STATE OF KARNATAKA  
BY ITS PRINCIPAL SECRETARY TO  
REVENUE DEPARTMENT,  
M.S. BUILDING,  
BENGALURU - 560 001.
2. LAND TRIBUNAL  
KUNDAPURA,  
UDUPI DISTRICT - 576 201.  
BY ITS CHAIRMAN.
3. TAHASILDAR  
KUNDAPURA,  
UDUPI DISTRICT - 576 201.



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4. SRI. K. SHRIDHAR RAO  
S/O. LATE VENKATA RAO,  
AGED ABOUT 60 YEARS,  
R/O NERAMBALLI,  
HANGALUR VILLAGE,  
KUNDAPURA TALUK,  
UDUPI DISTRICT - 576 201.

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA FOR R1 TO R3;  
SRI. VYASA RAO, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 15<sup>TH</sup> SEPTEMBER, 2012 PASSED BY RESPONDENT NO.2 VIDE ANNEXURE-K AND ENDORSEMENT ISSUED BY RESPONDENT NO.3 DATED 27<sup>TH</sup> JANUARY, 2017 VIDE ANNEXURE-M; AND ETC.

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**

In this petition, the petitioner is challenging the order dated 15<sup>th</sup> September, 2012 (Annexure-K) passed by the respondent No.2 and Endorsement dated 27<sup>th</sup> January, 2017 (Annexure-M) issued by the respondent No.3.

2. It is the case of the petitioner that the land bearing Survey No.12 measuring 6 acre 30 cents in Koni Village, Kundapur Taluk belonged to the petitioner. It is stated in the



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petition that, out of total extent of 6 acre 30 cents, an extent of 62<sup>1</sup>/<sub>2</sub> cents was sold in favour of one Prabhakar Rao, which was shown as Survey No.12/P1 of Koni Village and remaining extent is in possession and enjoyment of the petitioner. It is further stated in the petition that, one N.K. Venkata Rao filed an application in Form No.7, seeking occupancy right for various lands situated at Hanglur Village, Kundapura Taluk, which belongs to Sri. Kalinga Mardhana Sri. Krishna Devaru, Udupi. It is averred that, no challenge has been made in respect of the land bearing Survey No.12 measuring 6 acre 30 cents situate at Koni Village, Kundapur Taluk belongs to the petitioner, which is in the absolute ownership of the petitioner. In this regard, the petitioner has produced Form No.7 filed by the Tenant *viz.*, N.K. Venkata Rao at Annexure-D.

3. It is further stated in the petition that, the Land Tribunal, after considering the material on record, by order dated 06<sup>th</sup> January, 1981 (Annexure-F), granted the occupancy rights for various land situate at Hanglur Village to the said N.K. Venkat Rao, who is the father of the respondent No.4 herein. Thereafter, the respondent No.4 had filed application on



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25<sup>th</sup> July, 2012 (Annexure-G), seeking modification of the order of Land Tribunal dated 06<sup>th</sup> January, 1981 almost after 31 years of the order passed by the Land Tribunal stating that, his father was tenant of land in Survey No.12 of Koni Village and at the time of filing of an application in Form No.7 by his father, it was wrongly mentioned as Hanglur Village instead of Koni Village and accordingly, prayed to modify the order of the Land Tribunal to that effect. In this connection, the Land Tribunal issued notice dated 26<sup>th</sup> July, 2012 (Annexure-H) to Sri. Kalinga Mardhana Krishna Devaru Mutt on modification application made by the respondent No.4 herein and passed order dated 15<sup>th</sup> September, 2012 (Annexure-K), accepting the application made by the respondent No.4 for modification.

4. It is the grievance of the petitioner that the petitioner is not aware about the order passed by the Land Tribunal on modification said to have been sought for by the respondent No.4. Hence, the petitioner filed the present petition challenging the order dated 15<sup>th</sup> September, 2012 (Annexure-K) passed by the Land Tribunal and Endorsement



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dated 27<sup>th</sup> January, 2017 (Annexure-M) issued by the respondent No.3.

5. Heard Sri. Vigneshwar S. Shastry, learned Senior Counsel on behalf of Sri. Gururaj R., appearing for the petitioner; Smt. B.P. Radha, learned Additional Advocate General appearing for respondents 1 to 3; and Sri. Vyasa Rao, learned counsel appearing for respondent No.4.

6. Sri. Vigneshwar S. Shastry, learned Senior Counsel appearing for the petitioner refers to the Form No.7 (Annexure-D) filed by N.K. Venkata Rao (*father of the respondent No.4*) and submitted that the Land Tribunal, after considering the material on record, by order dated 06<sup>th</sup> January, 1981 (Annexure-F), granted the occupancy right in favour of the father of the respondent No.4, and therefore, as the matter has been concluded by the Land Tribunal and that apart, the petitioner herein is not a party in the said proceedings, the impugned order dated 15<sup>th</sup> September, 2012 passed by the Land Tribunal, accepting the application made by the respondent No.4 for modification of order dated 06<sup>th</sup> January, 1981, resulting in grant of land belonging to the petitioner is



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contrary to law. In this regard, learned Senior Counsel contended that the respondent-Land Tribunal has no jurisdiction to review its own order for changing the name of the village and survey number in the Form No.7 said to have been filed by the father of the respondent No.4.

7. By placing the reliance on the judgment of Hon'ble Supreme Court in the case of **ORISSA ADMINISTRATIVE TRIBUNAL BAR ASSOCIATION vs. UNION OF INDIA AND OTHER** reported in (2023) 18 SCC 1, learned Senior Counsel appearing for the petitioner contended that the moment at which the Land Tribunal passed an order, it becomes *functus officio* and loses its jurisdiction to review the order. Accordingly, learned Senior Counsel sought for interference of this Court.

8. Per contra, Sri. Vyasa Rao, learned counsel appearing for the respondent No.4, by referring to Section 48A(6) of the Karnataka Land Reforms Act, 1961 contended that, if there is any clerical or arithmetical mistake in the application or order passed by the Land Tribunal, the same may be corrected by the Land Tribunal and therefore, the impugned



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order dated 15<sup>th</sup> September, 2012 (Annexure-K) passed by the Land Tribunal making correction in respect of Form No.7 filed by the father of the respondent No.4 and the order passed there under is just and proper and do not call for interference before this Court. In this regard, by referring to paragraph 8 of the judgment of Hon'ble Supreme Court in the case of **HONNAMMA AND OTHERS vs. NANJUNDAIAH (D) BY LRS. AND OTHERS** reported in 2008 AIR SCW 2787, learned counsel appearing for the respondent No.4 contended that, there is a provision for amendment in respect of mis-description of the property. Accordingly, sought for dismissal of the petition.

9. Smt. B.P. Radha, learned Additional Government Advocate appearing for respondents 1 to 3 sought to justify the impugned order passed by the respondent No.2.

10. In the light of submission made by learned counsel appearing for the parties, on careful perusal of the material on record, particularly Form No.7 (Annexure-D) filed by the father of the respondent No.4 viz., N.K. Venkata Rao, refers to Hanglur Village, however, land bearing Survey No.12 which is



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claimed by the petitioner in Koni Village, is not a subject matter in Form No.7 filed by the said N.K. Venkata Rao. It is also forthcoming that the Land Tribunal, passed its order dated 06<sup>th</sup> January, 1981 (Annexure-F) taking into account the evidence adduced before the said Authority that the father of the respondent No.4 claimed occupancy right in respect of land situate at Hanglur Village and not at Koni Village. In that view of the matter, I am of the view that the respondent No.2-Land Tribunal committed an error in modifying the original order dated 06<sup>th</sup> January, 1981 (Annexure-F) by passing the impugned order dated 15<sup>th</sup> September, 2012 (Annexure-K). It is also pertinent to mention that the petitioner herein is not a party before the respondent No.2-Land Tribunal in the earlier proceedings. Therefore, it is to be understood that the father of the respondent No.4 was not cultivating the subject land belonging the petitioner herein.

11. Under these circumstances, as the father of the respondent No.4 was cultivating the land belonging to Sri. Kalinga Mardhana Krishna Devaru Temple, Krishnapura Mutt, Udupi, I am of the view that the respondent No.2-Land Tribunal



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committed an error in passing the impugned order dated 15<sup>th</sup> September, 2012 (Annexure-K). It is also to be noted that the respondent No.2-Land Tribunal has no jurisdiction to review its own order unless the statute provides for the same as held by the Hon'ble Supreme Court in the case of **ORISSA ADMINISTRATIVE TRIBUNAL BAR ASSOCIATION** (supra). In that view of the matter, I am of the view that the petitioner has made out a case for interference. The arguments advanced by learned counsel appearing for the respondent No.4 by placing the reliance on the judgment of Hon'ble Supreme Court in the case of **HONNAMMA** (supra) is not applicable to the case on hand, since in the said case, the amendment has been sought for in the application and not in respect of the order already passed by the Tribunal. In the present case, what is claimed by the respondent No.4 before the Land Tribunal is the name of village as well as survey number of the land in question. Therefore, the arguments advanced by learned counsel appearing for the respondent No.4 cannot be accepted. Accordingly, I pass the following:



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**ORDER**

- (i) Writ Petition ***allowed;***
- (ii) Order dated 15<sup>th</sup> September, 2012 (Annexure-K) passed by the respondent No.2-Land Tribunal is hereby set-aside; consequently, Endorsement dated 27<sup>th</sup> January, 2017 (Annexure-M) issued by the respondent No.3 is hereby quashed;
- (iii) The competent Revenue Authorities are directed to enter the name of the petitioner in the revenue records in respect of the subject land forthwith.

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

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List No.: 1 Sl No.: 73