

**Reserved on : 01.07.2026
Pronounced on : 11.09.2026**

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 2097 OF 2017 (LR)

BETWEEN:

CHANDRAPPA,
S/O. LATE MARIHONNAIAH,
DEAD BY HIS LRS.,

1. SMT. KEMPAMMA,
W/O. LATE CHANDRAPPA,
DEAD BY LR - APPELLANT NO.2 HONNAPPA
2. HONNAPPA,
S/O. LATE CHANDRAPPA,
ALSO DIED
BY LEGAL REPRESENTATIVES
- 2(a). SMT. UMA,
W/O LATE HONNAPPA,
AGED ABOUT 46 YEARS,
- 2(b). BHARATH KUMAR S.H.
S/O LATE HONNAPPA,
AGE ABOUT 26 YEARS
- 2(c). SHARATH KUMAR
S/O LATE HONNAPPA
AGED ABOUT 25 YEARS
(AMENDED VIDE COURT
ORDER DATED 16.04.2019

3. SMT. SHIVAMMA,
D/O. WLATE CHANDRAPPA,
AGED ABOUT 54 YEARS,
4. VISHWANATHA,
S/O. LATE CHANDRAPPA,
AGED ABOUT 52 YEARS,

ALL ARE RESIDENTS OF
SHIVAGANGE VILLAGE AND POST,
PIN CODE: 586 212, SOMPURA HOBLI,
NELAMANGALA TALUK,
BENGALURU RURAL DISTRICT.

...APPELLANTS

(BY SRI. M.R. RAJAGOPAL SR. COUNSEL FOR
SRI. PARASHURAM R HATTARAKIHAL, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
DEPT. OF REVENUE,
VIKASA SOUDHA,
BENGALURU - 560 001,
REPRESENTED BY ITS
SECRETARY,
2. THE KARNATAKA APPELLATE TRIBUNAL
M.S. BUILDINGS, UNIT NO.1,
BENGALURU- 560 001,
REPRESENTED BY THE REGISTRAR.
3. THE COMPETENT AUTHORITY &
HEADQUARTER ASSISTANT
TO THE DEPUTY COMMISSIONER,
OFFICE OF THE DEPUTY COMMISSIONER,
BENGALURU RURAL DISTRICT,
BENGALURU - 560 001.
4. GARUDAGANGAIAH
DEAD BY HIS LRS.,
- 4(a). SMT. NEELAMMA @ LEELAVATHI,
W/O. LATE CHANDRASHEKHAR,
AGED ABOUT 50 YEARS,

- 4(b). SMT. CHANDRAMMA,
W/O. LATE RAJASHEKHAR @
NARASIMHAIAH,
AGED ABOUT 48 YEARS,
- 4(c). SMT. ANUSUYA,
W/O. LATE SHIVAKUMAR,
AGED ABOUT 40 YEARS,
- 4(d). SURESH,
S/O. LATE GARUDAGANGAIAH,
AGED ABOUT 62 YEARS,
- 4(e). SMT. GAYATHRI,
W/O. LATE CHINNASWAMY,
AGED ABOUT 43 YEARS,
- 5. SMT. CHANDRAMMA,
W/O. LATE NARASIMHAIAH,
SINCE DEAD BY LRS.,
- 5(a). KANTHARAJU,
S/O. LATE NARASIMHAIAH,
AGED ABOUT 45 YEARS,
- 5(b). SURESH @ RAMESH,
S/O. LATE NARASIMHAIAH,
AGED ABOUT 43 YEARS,
- 5(c). SMT. KUMARI @ SURYAKUMARI,
D/O. LATE NARASIMHAIAH,
AGED ABOUT 41 YEARS,
- 5(d). SMT. PADMAVATHI,
D/O LATE NARASIMHAIAH,
(DEAD ISSUELESS)
(DELETED BY ORDER DT.06.06.2023)
- 5(e). SMT. USHA @ USHA RANI,
D/O. LATE NARASIMHAIAH,
AGED ABOUT 37 YEARS,

5(f). SMT. RENUKA,
D/O. LATE NARASIMHAIAH,
AGED ABOUT 35 YEARS,

5(g). SMT. HEMAVATHI,
D/O. LATE NARASIMHAIAH,
AGED ABOUT 33 YEARS,

5(h). SMT. INDUMATHI,
D/O. LATE NARASIMHAIAH,
AGED ABOUT 31 YEARS,

RESPONDENTS NO.4(a) TO 5(h)
ARE ALL RESIDING AT NO.11,
SANJEEVA NAYAKA LANE,
AVENUE ROAD CROSS,
BENGALURU - 560 002.

...RESPONDENTS

(BY SRI. M.N. SUDEV HEGDE, AGA FOR R1 TO R3,
SRI. H.M. KISHORE KUMAR, ADVOCATE FOR R5(g&h),
SRI. D.M. MANJUNATH, ADVOCATE FOR
R4(a-e) & R5(a-c, e & f),
VIDE ORDER DATED 06.06.2023 R5(d) IS DELETED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE ORDER DATED: 13.04.2016 PASSED BY THE LEARNED
SINGLE JUDGE IN WP NO.58488-58489/2015(LR-RES) AND
CONSEQUENTLY ALLOW THE WRIT PETITION AS PRAYED FOR,
AND PASS ANY ORDER OR DIRECTION AS DEEM FIT TO THE
FACTS AND CIRCUMSTANCES OF THE CASE.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR
JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY,
JUDGMENT IS DELIVERED/ PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

This appeal by the petitioners in W.P.No.58488-58489/2015, calling in question the order dated 13.04.2016 passed by the Writ Court.

2. Facts in brief to file the present appeal are as under:

2.1 The land in dispute, bearing Sy.No.58/2 measuring 04 acres 09 guntas of Shivagange Village, Somapura Hobli, Nelamangala Taluk, originally belongs to one Lakshamma.

2.2 The original petitioner Chandrappa, S/o Marihonnaiah and Sri.Honnagangaiah S/o Marihonnaiah, both brothers filed Form No.7A under Section 77A of the Karnataka Land Reforms Act, 1961¹ (as amended),

¹ "LR Act" for short

claiming occupancy rights of 02 acres 4.5 guntas each of land in the above said survey number.

2.3 The concerned authority who has been enjoined with power under the provisions of Section 77A at the earlier point of time i.e., on 13.09.2002, passed an order granting 02 acres 4.5 guntas each land in Sy.No.58/2 in favour of Sri.Chandrappa and Honnagangaiah. The landowners aggrieved by the order passed by the Authority, preferred two appeals in Appeal Nos.976/2002 and 977/2002 before the Karnataka Appellate Tribunal, at Bangalore. Their claim before the Karnataka Appellate Tribunal was that, Smt.Lakshamma, who had been shown as owner of the land, died long before the proceeding initiated and was against a dead person. The appellants before the Appellate Tribunal i.e., Smt.Chandramma and Smt.Honnamma are the only legal heirs to said Lakshamma. Lakshamma during her lifetime executed a Will in favour of her

two daughters bequeathing the land equally in their favour.

2.4 The concerned authority without following the procedure contemplated under Section 77A along with corresponding Rules, only on the basis of some inspection report by the Tahsildar, proceeded to grant the land.

2.5 They further contended that, in the RTCs though the names of alleged Chandrappa and Honnagangaiah appeared from 1968-69 to 1970-71. However, their names were not stated in Column No.7 on the appointed date. Subsequently, i.e., in the year 1975-76, their name appeared, but again discontinued and thereafter appeared again in the year 1982-83. This has not been considered by the concerned authority while examining the Form No.7A filed by both the parties. Accordingly, sought to dismiss Form No.7A.

2.6 The Karnataka Appellate Tribunal after considering the rival submissions, formed an opinion that, the

concerned authority failed to consider all the aspects of Section 77A, particularly whether the tenancy of the applicants as on 01.03.1974 was an established fact?, and further of the opinion that, the proceedings do not indicate as to why the contentions urged by the owners were not accepted by the concerned authority and accordingly, allowed the appeals and remanded the matter to the concerned authority.

2.7 After remand, the Inquiry Officer and headquarters Assistant of Deputy Commissioner, Bengaluru Rural District, considered the case of both Chandrappa and Honnagangaiah, after going through the entire records placed before it. The Assistant Commissioner was of the opinion that, the applicants failed to establish the ingredients covered under Section 77A of LR Act (as amended). Accordingly, rejected Form No.7A.

2.8 Sri.Chandrappa, the original unsuccessful petitioner was before the Karnataka Appellate Tribunal, at

Bengaluru calling in question the order passed by the Assistant Commissioner dated 01.04.2006.

2.9 The Karnataka Appellate Tribunal after considering the case of the original petitioner was of the opinion that, he has failed to establish the ingredients contained under Section 77A to stake a claim to grant occupancy rights in the land in his favour. Accordingly, dismissed the appeal. This was the subject matter before the Writ Court in the present proceedings.

2.10 The Writ Court upon reconsideration of entire materials placed before it, was of the opinion that, the original petitioner failed to establish the ingredients contained under Section 77A i.e., he was a tenant as on the appointed date i.e., 01.03.1974 and continued to cultivate the same till the date of his application, rejected the Writ Petition.

2.11 Further, the Writ Court stated that the judgment relied on by the petitioner in the case of

SIDDARAMAPPA AND OTHERS Vs. ASSISTANT COMMISSIONER & OTHERS², is distinguishable on facts and not applicable to the case on hand. It is this order passed by the Writ Court, is called in question in this Writ Appeal.

3. Heard, Mr.M.R.Rajagopal, learned Senior Counsel assisted by Mr.Parashuram R.Hattarakihal, learned Counsel for the appellant and Mr.M.N.Sudev Hegde, learned Additional Government Advocate appearing for respondent Nos.1 to 3, Sri.H.M.Kishore Kumar, learned counsel appearing for respondent No.5(g) and (h) and Sri.D.M.Manjunath, learned counsel for respondent No.4(a) to (e) and respondent No.5(a) to (c), (e) and (f). Vide order dated 06.06.2023 respondent No.5(d) is deleted.

4. Sri.M.R.Rajagopal, learned Senior counsel submits that the Writ Court has failed to consider the effect of the judgment passed by this Court in **SIDDARAMAPPA** case, in respect of inspection report

² ILR 2008 KAR 3495

submitted by the concerned Tahsildar. Learned Senior counsel referring to the English translation of report submitted by the Tahsildar, submits that the report specifically states that since 1968-69 till date, the original petitioner Chandrappa was in cultivation of land. The mere fact that the name of Chandrappa does not find in Column No.12 of RTC for the years 1971-72 to 1974-75, cannot be a circumstance to deny the right to claim occupancy rights. The claimant i.e., the applicant has filed receipts for having paid the lease rents. The inspection report supports the case of the applicant that, he was the tenant in the land and was cultivating the land as on the appointed date and continued the same till the amendment is brought in the statute book. In these circumstances, the Writ Court has failed to consider these aspects of the matter and sought to allow the appeal and set aside the order passed by the Writ Court, consequently, allow the Writ Petition granting occupancy rights.

5. Sri.M.N.Sudev Hegde, in contrast, argued in support of the order passed by the Authority, KAT, as well as the Writ Court.

6. Learned counsel for the contesting private respondents argued in line with Sri.M.N.Sudev Hegde, supporting the order passed, by the Authority, KAT as well as the Writ Court.

7. We having considered the rival submissions, perused the entire appeal paper.

8. The law on the point of Section 77A is no more *res integra*. The Co-ordinate bench of this Court in ***HOSABAYYA NAGAPPA NAIK AND OTHERS VS. STATE OF KARNATAKA AND OTHERS***³, has considered the scope of enquiry to be conducted under Section 77A of Karnataka Land Reforms Act, 1961 (as amended). The relevant extract of Provision is set out as below:

"6. Let us now consider the submissions. Section 77-A of the Act reads as under:

³ ILR 2002 KAR 1342

"77A. Grant of land in certain cases,- (1) Notwithstanding anything contained in this Act, if the Deputy Commissioner, or any other officer authorised by the State Government in this behalf is satisfied after holding such equity as he deems fit, that a person.

(i) was, immediately before the first day of March, 1974 in actual possession and cultivation of any land not exceeding one unit, which has vested in the State Government under Section 44 and

(ii) being entitled to be registered as an occupant of such land under Section 45 or 49 has failed to apply for registration of occupancy rights in respect of such land under sub-section (1) of Section 48A within the period specified therein, and

(iii) has continued to be in actual possession and cultivation of such land on the date of commencement of the Karnataka Land Reforms (Amendment) Act, 1997.

He may grant the land to such person subject to such restrictions and conditions and in the manner, as may be prescribed.

(2) The provisions of sub-section (2A) and (2B) of Section 77 and the provisions of Section 78 shall apply mutatis mutandis in respect of the grant of land made under sub-section (1)

Provided that the land so granted together with the land already held by such person shall not exceed 2 hectares or D class of land or its equivalent thereto."

This provision has been introduced by the amending Act 23 of Act 1998 with effect from 1.11.1998.

The provisions enable a person who was a lawful tenant as on the appointed date and who had failed to made an application under Section 45 of the Act within the stipulated period and as he was a lawful tenant on the appointed date and the land having vested in the State Government and a person having continued to cultivate the land or any portion of the land, to make an application for grant of that land to the Deputy Commissioner or any other Officer authorised by the

State Government in this behalf and the authority to grant the land to such a person after holding such enquiry as he deems fit and being satisfied on such an enquiry that the person is a person entitled for grant in terms of Section 77-A of the Act. Though, no doubt the Section says that "Such enquiry as deems fit" is mentioned in the Section, such enquiry to be followed by the Deputy Commissioner or the other Officer authorised by the State Government in this regard is provided for under Rule 26-C of the rules which reads as under:

"26-C Procedure for grant of land by the Deputy Commissioner or the Officer authorised by the State Government under Section 77A,-(1) Every person eligible for grant of land under Section 77A shall make an application in Form No. 7A within six months from the commencement of the Karnataka Land Reforms (Amendment) Rules, 1998.

(2) The Deputy Commissioner or the officer authorised in this behalf may also take cognisance suo-motu of cases falling under Section 77A.

(3) The Tahsildar of the concerned taluk shall issue individual notice in Form No. 9D and public notice in Form No. 8A to the persons interested in the land, the grant of which under Section 77A is under consideration.

(4) A list of such persons covered under Sub-Rules (1) and (3) shall be entered in a register, kept in Form : 1 IICC.

(5) The Deputy Commissioner or other officer authorised in this behalf shall after holding summary inquiry in the manner provided in Section 34 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) grant land in accordance with Section 77A and the Tahsildar shall issue title deed in Form No. IICCC on payment of purchase price in accordance with Section 78.

(6) The first installment of the amount payable for the land granted under Section 77A shall be payable in the Second year from the date of the grant:

Provided that where the extent of the land granted under section 77A together with other land, if any held by him does not exceed ten acres of 'D' Class land, or an extent

equivalent thereto comprising of one or more classes of other land specified in part A of Schedule 1- determined in accordance with the formula specified in part B of schedule I, he shall be exempted from paying the purchased price."

Now that the Rules provide for the manner of an enquiry to be held for the purposes of grant of land under Section 77A, the interpretation that can be placed on the words "after holding such enquiry as he deems fit", occurring in Section 77A(1) of the Act is to be understood as an enquiry as contemplated under Rule 26C and in no other manner. When once the rules have been framed for the purposes of the procedure as contemplated which is required to fulfill the object of the section in the Act, the procedure can only be that and nothing beyond. To this extent we are unable to agree with the view expressed by the learned Single Judge that Rule 26C of the Rules to the extent it seeks to over ride or to control the Provisions of Section 77A of the Act is to be held as nonest. We do not find any conflict between the rule and the section for holding of an enquiry as provided for under the Rules as the manner of an enquiry having been provided for under Rule 26C, a statutory functionary like the Deputy Commissioner or any other Officer authorised by the State Government in this regard, doesn't have the option to hold an enquiry in any manner as he deems fit, but can hold an enquiry only in the manner provided for under Rule 26C of the Rules. To this extent we uphold the submission of the learned Counsel for the appellants that an enquiry is to be held only as under Rule 26C and not in any manner that is found to be appropriate to the authority considering the application under Section 77A. The Statutory Authority doesn't have any option in this regard but to follow the rules. It is the very object of the rule to eliminate any arbitrary or whimsical exercise of the power in the manner of enquiry to be held by the authority and it should be given full effect and there is no question of holding that the rule is bad or is to any extent in contravention of the provisions of the Act."

9. Further, the Full Bench of this Court in **LOKAYYA POOJARY AND ANOTHER VS. STATE OF KARNATAKA AND OTHERS**⁴, has held as under:

"16. Interestingly, as in the case of Rule 17, for conducting enquiry, the procedure prescribed under Section 34 of the Karnataka Land Revenue Act, 1964, is not made applicable to enquiry under Section 77-A of the Act. In an enquiry under Section 77-A read with Section 26-C, the question of the authority going into the question whether the land in question is a tenanted land or not, would not arise, which question, the Tribunal constituted under the Act alone is competent to go into under Section 48 of the Act. No such power or jurisdiction has been conferred under Section 77-A on the Deputy Commissioner or the Assistant Commissioner. The enquiry contemplated under Section 77-A is to be confined only to the following:

(1) Whether the person who has made an application under Section 77-A was in actual possession and cultivation of any land before the first day of March, 1974;

(2) Being entitled to be registered as occupants of such land under Section 45 or 49, has failed to apply for registration of occupancy rights in respect of such land under sub-Section (1) of Section 48-A within the period specified therein. In other words, if such an application had been filed, which claim is adjudicated upon by the Tribunal and if it is negated, then such a person is not entitled to file an application under Section 77-A;

(3) Whether such a person is continued to be in actual possession and cultivation of such land on

⁴ ILR 2012 KAR 4345

the date of commencement of the Karnataka Land Reforms Amendment Act, 1977."

10. With the help of the law laid down by this Court, now coming back to the facts of the case on hand, the claim of original petitioner Chandrappa that, he was cultivating the land since 1968-69 till present date i.e., the date of filing the application, the records clearly reflects that, as on the appointed date, the name of the original petitioner Chandrappa was not found in the relevant Column of the RTC i.e., Column No.12. The Column No.12 was left blank since 1971-72 to 1975-76. Thereafter for one year, the name of Chandrappa was found in Column No.12 of the RTC. Subsequently, again the same was left blank and thereafter, in the year 1982-83, the name again reflected.

11. Section 77A Which was introduced by way of amendment brought to the Karnataka Land Reforms Act reads as under:

"Section 77A. Grant of land in certain cases.—

(1) Notwithstanding anything contained in this Act, if the Deputy Commissioner, or the or any other officer authorised by the State Government in this behalf is

satisfied after holding such enquiry as he deems fit, that a person,-

(i) was, immediately before the first day of March, 1974 in actual possession and cultivation of any land not exceeding one unit, which has vested in the State Government under section 44; and

(ii) being entitled to be registered as an occupant of such land under section 45 or 49 has failed to apply for registration of occupancy rights in respect of such land under sub-section (1) of section 48A within the period specified therein; and

(iii) has continued to be in actual possession and cultivation of such land on the date of commencement of the Karnataka Land Reforms (Amendment) Act, 1997, he may grant the land to such person subject to such restrictions and conditions and in the manner, as may be prescribed.

(2) The provisions of sub-sections (2A) and (2B) of section 77 and the provisions of section 78 shall apply mutatis mutandis in respect of the grant of land made under sub-section (1).

Provided that the land so granted together with the land already held by such person shall not exceed 2 hectares of D class of land or its equivalent thereto."

12. The object of inserting Section 77A to Karnataka Land Reforms Act, 1961, was to provide an opportunity to a person who has missed his bus to file an application to seek occupancy rights as a tenant under the erstwhile provision, if he would be in a position to establish that he was a tenant as on the appointed date i.e., 01.03.1974 and continued so, till the application is filed under the amended Act, and land stood vested in the

Government as a tenanted land. The said aspect lacks in the case on hand. No records have been produced except relying on the Tahsildar report and some receipts which were not in respect of relevant years. The petitioner failed to establish the ingredients contained under Section 77A. The Authority, KAT as well as the Writ Court concurrently held that, for the failure on the part of the petitioner to establish his rights/claim under Section 77A, he is not entitled to be registered as an occupant of the land claimed under Section 77A by filing Form No.7A.

13. We find no infirmities in the order passed by the Authority, KAT, as well as the Writ Court. The appeal sans merit and accordingly, is ***dismissed***.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

TKN/RR