



CNR: KAHC010175142017

NC: 2026:KHC:46387-DB
WA No. 4679 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 27TH DAY OF AUGUST, 2026
PRESENT
THE HON'BLE MR. JUSTICE D K SINGH
AND
THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN
WRIT APPEAL NO. 4679 OF 2017 (LR-SEC)

BETWEEN:

SHRI. VENKATARAVANAPPA
S/O.GANGAPPA,
AGED ABOUT 69 YEARS,
RESIDING AT KEMPADENAHALLI,
AMBAJIDURGA HOBLI,
CHINTAMANI TALUK,
CHICKABALAPUR DISTRICT-562 101.

...APPELLANT

(BY SMT. SHIREESHA S., ADVOCATE FOR SRI. K. N. SUBBA
REDDY, ADVOCATE)

AND:

1. THE CHAIRMAN AND THE ASSISTANT
COMMISSIONER
LAND TRIBUNAL, CHICKBALAPURA TOWN,
CHICKABALAPURA DISTRICT-562 101.
2. A NARAYANASWAMY
S/O.K.S.ANJAPPA,
MAJOR,
KEMPADENAHALLI,
AMBAJIDURGA HOBLI,
CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT-562 101.

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka



NC: 2026:KHC:46387-DB
WA No. 4679 of 2017

CNR: KAHC010175142017

3. KANAKAPPA
S/O LATE VENKATARAVANAPPA,
MAJOR,
RESIDING AT NO.304, 5TH MAIN,
7TH CROSS, VENKATARAMANAAGARA,
DEVANATHA CHAR STREET,
CHAMARAJPET, BANGALORE-560 018.
4. R SHIVAPPA
S/O.RAMAPPA,
AGED ABOUT 35 YEARS,
RESIDING AT KEMPADENAHALLI,
AMBAJIDURGA HOBLI,
CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT-562 101.

...RESPONDENTS

(BY SRI. V. NAGA REDDY FOR C/R4 ., ADVOCATE;
SRI. N. BYREGOWDA, AGA FOR R1;
SRI. SHIVANANDA S., ADVOCATE FOR R2;
V/O. DTD. 27.03.2023 NOTICE TO R3 IS SERVED THOROUGH
PAPER PUBLICATION, R3 SERVED)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO ALLOW THIS APPEAL AND SET
ASIDE THE IMPUGNED ORDER DATED 25/04/2017 PASSED BY
THE LEARNED SINGLE JUDGE IN WP NO.17659/2010 AND
CONSEQUENTLY RESTORE THE ORDER PASSED BY THE LAND
TRIBUNAL ON 07/05/2002 IN LRM. CR(A) 46:2001-02.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN



CNR: KAHC010175142017

NC: 2026:KHC:46387-DB
WA No. 4679 of 2017

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present Intra Court Appeal has been filed impugning the order dated 25.04.2017 passed by the Writ Court in Writ Petition No.17659/2010 by the appellant.

2. The parties are referred to as per their ranking before the Writ Court for the sake of convenience.

3. After Section 77A was inserted by amendment in the Karnataka Land Reforms Act, 1961 (hereinafter referred to as 'Act' for short) with effect from 01.11.1998, the petitioner filed an application claiming occupancy right on 27.01.1999 in respect of land measuring 3 acres in Survey No. 37 of Kempadenahalli of Ambajidurga Hobli, Chintamani Taluk in Form No. 7A, contending that he could not apply in Form No. 7A on time. The land Tribunal vide the order 07.05.2002 passed an order in favour of the appellant/ petitioner in respect of the said land, conferring occupancy rights and later issued a certificate of



CNR: KAHC010175142017

registration in Form No. 10 on 22.05.2003 in favour of the petitioner/appellant.

4. The said order of the Land Tribunal came to be challenged, by the owners of the land in Appeal No. 243/2004 under Section 118 (2) of the Act before the Karnataka Appellate Tribunal at Bangalore (hereinafter referred to as 'Appellate Tribunal' for short). The Appellate Tribunal on the basis of the pleadings and the evidence adduced before the Appellate Tribunal, framed the following three issues for determination:

- 1. Whether the appellant has made out grounds for condoning the delay in preferring the appeal?*
- 2. Whether substantial grounds exists for interfering with the impugned order?*
- 3. What order?*

5. The Appellate Tribunal answered the first question in favour of the owners and held that sufficient cause was shown to condone the delay in filing the appeal. So far as point number 2 and 3 are concerned, the



CNR: KAHC010175142017

Appellate Tribunal held that the petitioner/appellant was not entitled for grant of occupancy rights in respect of the land in question, inasmuch as, he had inherited 12 acres 32 guntas of land in the same village and as per the explanation inserted in Section 77A, by Act No. 34 of 1998 which came into effect from 15.02.1999, the land so granted together with the land already held should not exceed 2 hectares of D class of land or equivalent thereto. As the appellant/petitioner had inherited 12 acres 32 guntas of land, he was not entitled to claim occupancy rights under Section 77A of the Act.

6. The Appellate Tribunal also held that after the petitioner's/appellant's father Gangappa died sometime between 1992 – 1993. In RTC, for subsequent years the name of the cultivator in column number 12(2) was left blank. Therefore, it could be safely said that the appellant/petitioner was not cultivating the land in question as on 01.11.1998 in order to claim the occupancy



CNR: KAHC010175142017

rights under Section 77A of the Act. In view of the aforesaid findings, the appeal filed by the respondent No.4 before the Appellate Tribunal came to be allowed.

7. Aggrieved by the said order passed by the Appellate Tribunal dated 23.04.2010 in Appeal No. 243/2014, the appellant/petitioner filed a Writ Petition. The Writ Court vide impugned judgment and Order dated 25.04.2017 in W.P.No.17659/2010 has dismissed the Writ Petition on the ground that the petitioner/appellant had inherited 13 acres 2 guntas of land as per his own affidavit and therefore, he could not have been granted the occupancy right in respect of the subject land, inasmuch as, as per the condition of grant, he should not have held more than 2 hectares of D classof land or its equivalent thereto.

8. Smt. Shireesha S., learned counsel appearing for the appellant has submitted that the proviso to Section 77A of the Act has come into effect from 15.02.1999 and



CNR: KAHC010175142017

the petitioner/appellant had made the application on 27.01.1998. Therefore, the proviso to Section 77A of the Act would not be applicable to the case of the petitioner/appellant.

9. We have considered the said submission.

10. Sections 48A and 77A of the Act are beneficial legislation to provide ownership in respect of the land which was in possession and personal cultivation of the tenant and got vested in the State on the date of vesting i.e., on 01.03.1974. The purpose and object of these provisions are that the persons who have been cultivating the land on tenancy for a very long time and the land got vested in favour of the State should be conferred the ownership right, provided they fulfill the conditions as enumerated in Section 45 or 49 and Section 77-A of the Karnataka Land Reforms Act. The proviso though has come into effect from 15.02.1999, its application has to be tested on the date when the grant is made. The grant has



**NC: 2026:KHC:46387-DB
WA No. 4679 of 2017**

CNR: KAHC010175142017

been made in favour of the petitioner/appellant only in 2002 and therefore, on the date when the grant is conferred, all the conditions are required to have been fulfilled by the petitioner/appellant. As the petitioner/appellant did not fulfill two conditions as held by the Appellate Tribunal, we are of the view that there is no scope for us to interfere with the concurrent findings recorded by the Karnataka Appellate Tribunal and the Writ Court. Therefore, though the learned counsel for the appellant has made sincere efforts and has vehemently argued, we are not convinced in the facts and circumstances of the case. Therefore, we dismiss this appeal, however without cost.

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**