



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 593 OF 2025 (LR)

BETWEEN:

SMT. MUNIRATHNAMMA,
W/O C.ASHWATHANARAYANA,
AGED ABOUT 67 YEARS,
RESIDING AT NO.639,
SULIBELE MAIN ROAD,
DEVANAHALLI TALUK AND TOWN,
BENGALURU RURAL DISTRICT.

...APPELLANT

(BY SRI. T. SESHAGIRI RAO., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF REVENUE,
M.S.BUILDING,
BENGALURU - 560 001.
REPRESENTED BY ITS SECRETARY.
2. THE ASSISTANT COMMISSIONER,
DODDABALLAPUR SUB-DIVISION,
DODDABALLAPURA - 561 203.
DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT.
3. THE TAHSILDAR,
DEVANAHALLI TALUK,
DEVANAHALLI - 562 110.
BENGALURU RURAL DISTRICT.



4. SMT.MUNIYAMMA,
W/O LATE RAMAPPA,
AGED ABOUT 74 YEARS,
RESIDING CHIKKA THATTA
MANGALA VILLAGE,
VIJAYAPURA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 135.
5. SMT.LALITHAMMA AKKAYAMMA,
D/O LATE RAMAPPA,
AGED ABOUT 52 YEARS,
RESIDING CHIKKA THATTA
MANGALA VILLAGE,
VIJAYAPURA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 135.
6. SRI.THIMMARAYAPPA,
S/O LATE RAMAPPA,
AGED ABOUT 54 YEARS,
RESIDING CHIKKA
THATTA MANGALA VILLAGE,
VIJAYAPURA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 135.
7. SRI.LAGUMAPPA,
S/O LATE RAMAPPA,
AGED ABOUT 52 YEARS,
RESIDING CHIKKA THATTA
MANGALA VILLAGE,
VIJAYAPURA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 135.
8. SMT. V.C. GOWRAMMA,
W/O Y.C. BAJJAPPA,
D/O CHIKKAVEERANNA,
AGED ABOUT 87 YEARS,



RESIDING AT NO.1027/136,
71ST A CROSS, 20TH MAIN,
5TH BLOCK, RAJAJINAGARA,
BENGALURU - 560 010.

9. SRI. S.MUNIRAJU,
S/O LATE RAMAPPA,
AGED ABOUT 59 YEARS,
RESIDING AT:
RAMAMURTHYNAGAR,
YARAPPANAPALYA,
BENGALURU - 560 016.
10. SMT. RATHNAMMA,
W/O LATE RAMAPPA,
AGED ABOUT 47 YEARS,
RESIDING AT:
JARAMANDAHALLI VILLAGE.
MANCHENAHALLI HOBLI,
GOWRIBIDANUR POST,
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DISTRICT - 562 101.
11. SRI. RAJANNA,
S/O LATE RAMAPPA,
AGED MAJOR,
RESIDING AT:
RAMAMURTHINAGAR,
YARAPPANAPALYA,
BENGALURU - 560 016.

...RESPONDENTS

(BY SRI.M.N. SUDEV HEGDE, AGA FOR R1 TO R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED:19.03.2025 ONE PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WP No.6890/2020, FURTHER PASS AN APPROPRIATE ORDER TO DISMISS THE WRIT PETITION ONE FILED BY THE RESPONDENTS No. 4 TO 7 HEREIN BEFORE THE LEARNED SINGLE JUDGE BY ALLOWING THE WRIT APPEAL AND ETC.,



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

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

ORAL JUDGMENT

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

Respondent No.8 in W.P.No.6890/2020 is in this
intra-Court appeal, assailing the Order dated 19.03.2025
passed by the Writ Court.

2. The Writ Court by means of the impugned
order, allowed the Writ Petition, while remanding the
matter to the Assistant Commissioner¹, directed the said
authority to dispose of the matter before it, in a time
bound manner.

3. The parties are referred to as per their ranking
before the Writ Court.

¹ the AC, for short



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

4.1 The petitioners claiming to be the tenants were before the Writ Court calling in question the order passed by the Karnataka Appellate Tribunal², whereby the Tribunal reversed the order passed by the AC granting occupancy rights in favor of the petitioners holding that the land had vested in the State and the petitioners were cultivating the land.

4.2 It was the further case of the petitioners that, respondent No.4 assailed the order of the AC before the KAT on the premise that there was no notice issued to her in respect of the proceedings and there was no opportunity given to her to place the records before the AC in support of her case. The Tribunal on the premise that the documents produced by the landlord i.e., the RTC stood in the name of landlord,

² 'the Tribunal', for short



held that there is no material to indicate that there is any relationship of landlord and tenant existed as on the appointed date and the land stood vested in the State.

4.3 The KAT in its order, at Paragraph No.15 observed that, respondent No.1 therein i.e., the AC without serving the notice of the impugned proceedings on the appellant therein/ respondent No.8 herein and without properly verifying the RTC and other documents available in the file, contrary to the provisions of the Karnataka Land Reforms Act, 1961³, granted occupancy rights in favor of the petitioners. The order passed by the KAT was the subject matter before the Writ Court in the impugned Writ Petition.

4.4 The Writ Court after going through the order passed by the AC as well as the Tribunal, was of the opinion that the Tribunal once having recorded that the

³ 'the Act of 1961', for short



landlord was not served with the notice of the proceedings, ought to have remanded the matter to the AC and have issued direction to the AC to record a finding as to whether the land had stood vested in the State and, whether the applicant had proved that he was in possession as on the date of vesting and continued in possession in terms of Section 77A of the Act of 1961 as amended.

4.5 The Writ Court relied on the Judgment in the case of ***LOKAYYA POOJARY AND ANOTHER VS. STATE OF KARNATAKA AND OTHERS⁴***, and held that the Full Bench has clarified that, there is no need for an order of vesting to be passed and, the question of vesting of the land was by operation of law. Further held that, the Full Bench has also said that, there must be a Government record, which indicated that the land in question was vested. The Writ Court having considered these aspects of the matter,

⁴ ILR 2012 KAR 4345



reasoned its order from Paragraph Nos.9 to 14,
which reads as under:

- "9. *This, by itself indicates that the Assistant Commissioner was required to record a finding as to whether the land vested in the State or not and, this would obviously depend on the documents produced by the tenant as well as by the landlord.*
10. *In the present case, the Assistant Commissioner had placed reliance on a spot inspection and a recommendation of the Tahsildar to conclude that the land in question had vested. Unless this finding was found to be incorrect, the Tribunal could not have disturbed the said order.*
11. *A perusal of the order of the Tribunal would indicate that, the Tribunal has not even considered the correctness or otherwise of the spot inspection, statement of the villages and also the recommendation of the Tahsildar.*
12. *In my view, therefore, the order the Tribunal cannot be sustained.*
13. *Consequently, the impugned order is set aside and the matter shall now stand remanded to the Assistant Commissioner, who shall consider the matter afresh and, record a clear finding as to whether the land in question had vested in the State as on*



01.03.1974, and whether the tenant was in possession as on that date and continued to be in possession till the date of his application.

14. *The Assistant Commissioner shall complete this exercise within a period of six months from the date of receipt of the copy of this order."*

and accordingly, allowed the Writ Petition and remanded the matter to the AC. It is this order passed by the Writ Court, is called in question in this appeal.

5. Though the appeal is listed today for preliminary hearing, with the consent of the learned counsel appearing for the respective parties, it is taken up for final disposal.

6. Heard, Sri.T.Seshagiri Rao, learned counsel appearing for the appellant and Sri.M.N.Sudev Hegde, learned Additional Government Advocate appearing for respondents 1 to 3.



7. Learned counsel Sri.T.Seshagiri Rao, with all vehemence submits that when there is short comings in compliance of Section 77A of the Act of 1961, the Writ Court ought not have remanded the matter, while setting aside the well-reasoned order passed by the Tribunal. Learned counsel placed reliance on the decision in **LOKAYYA POOJARY** supra, to contend that, the factum of vesting should be an undisputed fact and an enquiry cannot be gone into as to whether the land in question was tenanted or not.

8. The said contention has been taken up before the Writ Court also and the Writ Court having considered the said contention, answered the same by placing reliance on the very same decision **LOKAYYA POOJARY** supra, and at paragraph No.8 of the order, which reads as under:

"8. It must be stated here that, in this very judgment the Full Bench has stated that, there is no need for an order of vesting to be passed and, the question of vesting of the land was by operation of law. The



Full Bench has also said that, there must be a Government record, which indicated that the land in question was vested."

9. A perusal of paragraph N.15 of the Tribunal order clearly shows that the Tribunal has stated that the landlord has not been served with the notice of the proceedings and the entire matter went in her absence. In that view of the matter, as rightly observed by the Writ Court, the Tribunal ought to have remanded the matter to the AC. We fail to understand what grievance would be caused to the respondent to place records before the AC and take up her contentions and defence. The Writ Court consciously remanded the matter while clarifying the purpose for remand at paragraph No.13 which we have already extracted above.

10. A perusal of the appeal memorandum before the Tribunal, at paragraph No.10 a specific ground has been raised as under:



"10. The impugned order passed by respondent No.1 violation of the principles of natural justice in that the entire proceedings were conducted and the claim of the respondent No.2 was allowed without affording any opportunity to the appellant to appear and contest the matter particularly when the appellant did not receive notice/ summons/ intimation of the proceedings which were conducted in her absence since the respondent No.2 had deliberately not furnished the full and correct address of the appellant nor her status with the malafide intention of obtaining an order."

11. This has been considered by the Tribunal while passing the order at Paragraph No.15. It is in that an eventuality, the Writ Court has passed the order remanding the matter to the AC, directing the said authority to dispose of the matter in a time bound manner, permitting either parties to place documents in support of their case and defence as observed at paragraph No.9. We find no infirmities in the order passed by the Writ Court which would require us to take any contrary view. This appeal therefore, sans merits and is accordingly, ***dismissed***.



12. In view of dismissal of the appeal, pending interlocutory applications, if any, stand disposed of.

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

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

TKN
List No.: 1 Sl No.: 1
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