



CNR: KAHC010296002022

NC: 2026:KHC:51967
WP NO.13354 OF 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO.13354 OF 2022 (LR)

BETWEEN:

ANNAYAPPA.
DEAD, BY L.R.

ERAPPA
DEAD, BY HIS LRS.

1. C.E. SRINIVAS
S/O LATE ERAPPA,
AGED ABOUT 50 YEARS,
CHIKKANAHALLI VILLAGE,
NANDI HOBLI,
CHIKKABALLAPUR TALUK,
CHIKKABALLAPUR DISTRICT - 561 211.

2. C.E. RAVI
S/O LATE ERAPPA,
AGED ABOUT 48 YEARS,
CHIKKANAHALLI VILLAGE,
NANDI HOBLI,
CHIKKABALLAPUR TALUK,
CHIKKABALLAPUR DISTRICT - 561 211.

RAMAPPA
DEAD, BY HIS LRS

3. NANJUNDAPPA
S/O LATE RAMAPPA,
AGED ABOUT 43 YEARS,
CHIKKANAHALLI VILLAGE,
NANDI HOBLI,

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



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CHIKKABALLAPUR TALUK,
CHIKKABALLAPUR DISTRICT – 561 211.

4. KRISHNAPPA
S/O LATE RAMAPPA,
AGED ABOUT 42 YEARS,
CHIKKANAHALLI VILLAGE,
NANDI HOBLI,
CHIKKABALLAPUR TALUK,
CHIKKABALLAPUR DISTRICT – 561 211.

NARASAPPA BY LR'S

5. SRINIVASA @ SEENAPPA N.
S/O LATE NARASAPPA,
AGED ABOUT 53 YEARS,
BALAKUNTAHALLI VILLAGE,
NANDI HOBLI,
CHIKKABALLAPUR TALUK,
CHIKKABALLAPUR DISTRICT – 561 211.

6. ERAPPA
S/O LATE NARASAPPA,
AGED ABOUT 51 YEARS,
BALAKUNTAHALLI VILLAGE,
NANDI HOBLI,
CHIKKABALLAPUR TALUK,
CHIKKABALLAPUR DISTRICT – 561 211.

7. CHANNIGAPPA
S/O LATE ERE GOWDA,
AGED ABOUT 82 YEARS,
BALAKUNTAHALLI VILLAGE,
NANDI HOBLI,
CHIKKABALLAPUR TALUK,
CHIKKABALLAPUR DISTRICT - 561 211.

...PETITIONERS

(BY SRI. MANJUNATHA A.C, ADVOCATE FOR P1 TO P4;
V/O DATED 03.07.2023, PETITION AGAINST
P5 TO P7 - DISMISSED)



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AND:

1. THE LAND TRIBUNAL,
REP. BY ITS SECRETARY - TAHSILDAR,
CHIKKABALLAPUR TALUK,
CHIKKABALLAPUR - 561 211.
2. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING,
DR. B.R. AMBEDKAR ROAD,
BENGALURU - 560 001.
3. THE DEPUTY COMMISSIONER
CHIKKABALLAPUR DISTRICT,
CHIKKABALLAPUR - 561 211.

C.S. SHANTHAMMA
DEAD, BY LRS.
4. C.N. SURESH
S/O LATE C.K. NARAYANA SWAMY CHETTY,
AGED ABOUT 61 YEARS,
POSETTI HALLI VILLAGE, NANDI HOBLI,
CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA DISTRICT - 562 111.
5. C.N. RAMESH
S/O LATE C.K. NARAYANA SWAMY CHETTY,
AGED ABOUT 56 YEARS,
NO.66/2, 8TH CROSS,
WILSON GARDEN,
BENGALURU - 560 027.
6. SMT. C.N. KANTHA
D/O LATE C.K. NARAYANA SWAMY CHETTY,
AGED ABOUT 69 YEARS,
NO.66/2, 8TH CORSS,
WILSON GARDEN,
BENGALURU - 560 027.



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7. SMT. C.N. MEERADEVI
D/O LATE C.K. NARAYANA SWMAY CHETTY,
AGED ABOUT 65 YEARS,
CHOWDEPALLI, PUNGANUR TALUK,
CHITTOOR DISTRICT,
ANDHRA PRADESH.

...RESPONDENTS

(BY SMT. SHARADA H.V, AGA FOR R1 TO 3;
SRI. VENUGOPAL M.S., ADVOCATE FOR R4 TO R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 25TH FEBRUARY, 2022 PASSED BY THE RESPONDENT NO.1-LAND TRIBUNAL IN CASE NO.L.R.M.(A)172-1/79-80 VIDE ANNEXURE-A; DIRECT THE RESPONDENT NO.1-LAND TRIBUNAL TO CONFER THE OCCUPANCY RIGHT IN FAVOUR OF THE PETITIONERS IN RESPECT OF THE LANDS CLAIMED BY THEM IN FORM NO.7 VIDE ANNEXURES 'B' AND 'B1'; AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, 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 25th February, 2022 (Annexure-A) passed by the respondent No.1-Land Tribunal, Chikkaballapur Taluk in Case No.L.R.M.(A)172-1/79-80; *inter alia* sought for a direction to the respondent No.1 to confer the occupancy right in favour of



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the petitioners in respect of the lands claimed by them in Form No.7 vide Annexures 'B' and 'B1'.

2. Heard Sri. Manjunatha A.C., learned counsel appearing for petitioners 1 to 4; Smt. Sharada H.V., learned Additional Government Advocate appearing for respondents 1 to 3; and Sri. Venugopal M.S., learned counsel appearing for respondents 4 to 7.

3. Sri. Sri. Manjunatha A.C., learned counsel appearing for petitioners submitted that the father of petitioners 1 and 2 viz., Erappa was in cultivation of the land bearing Survey No.37 of Chikkanahalli Village, Nandi Hobli, Chikkaballapura Taluk to an extent of 3 acre 38 guntas under the landlord Smt. Muniyamma (*Mother-in-Law of Shanthamma*). The said Shanthamma is none other than the grandmother of respondents 4 to 7. It is further contended by learned counsel appearing for petitioners that the petitioners have made an application in Form No.7, seeking occupancy right in respect of subject land and the said application was considered on the earlier occasion and finally, by order of remand made by this Court on 03rd August, 1999 (Annexure-J)



in Writ Petition No.26670/1997, the respondent No.1-Land Tribunal had taken-up the matter and without considering the fact that the petitioners are in cultivation of the subject land so also, by not properly assessing the material on record, rejected the application made by the petitioners.

4. Learned counsel appearing for petitioners by referring to impugned order passed by the respondent No.1, submitted that, though the relevant documents have been produced to establish that the petitioners were in cultivation of the subject land, the respondent No.1-Land Tribunal, ignored the same and as such, the rejection of Form No.7 filed by the petitioners is contrary to law. He further submitted that the impugned order has not been passed by the Land Tribunal and in this regard criminal action has been taken by filing FIR at Chikkaballapra Town Police Station. Accordingly, he, sought for interference of this Court. Accordingly, he sought for interference of this Court.

5. Per contra, Sri. Venugopal M.S., learned counsel appearing for the respondents 4 to 7 contended that, Erappa was not in cultivation of the subject land, so also, no material



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has been placed before the Land Tribunal to prove that the petitioners were in cultivation of the subject land on the relevant date on 01st March, 1973. Accordingly, learned counsel appearing for respondents 4 to 7 sought to justify the impugned order passed by the Land Tribunal.

6. Smt. Sharada H.V., learned Additional Government Advocate produced original records before this Court and sought for confirmation of the impugned order passed by the respondent No.1-Land Tribunal.

7. In the light of submission made by learned counsel appearing for parties, on perusal of the record, it is forthcoming that, Channigappa, Erappa and Srimappa had filed application in Form 7, seeking occupancy right in respect of the subject land and as such, the respondent No.1-Land Tribunal, by order 15th November, 1979, conferred occupancy right in respect of the land bearing Survey No.25 in favour of Channigappa and his brother Narasappa jointly and further, in respect of Survey No.37 in favour of Erappa and Ramappa jointly. The said order of the Land Tribunal was questioned before this Court in Writ Petition No.19258/1979 and this Court, by order dated 18th



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July, 1980 (Annexure-D) set-aside the order of the Land Tribunal and remitted the matter to the Land Tribunal for fresh consideration. Thereafter, the Land Tribunal, by order dated 20th November, 1982 (Annexure-E), conferred occupancy right in favour of Ramappa and Erappa in respect of the land bearing Survey No.37 and in favour of Chennigappa in respect of the land bearing Survey No.25. The said order of the Land Tribunal was questioned in Writ Petition No.18934/1991 and this Court, by order dated 07th February, 1994 (Annexure-F) allowed the writ petition and remitted the matter to the Land Tribunal for fresh consideration. In furtherance of the same, again the proceedings were challenged before this Court in Writ petition No.23766/1994 and this Court by order 18th August, 1994 (Annexure-G) disposed of the writ petition, by directing the respondent No.1-Land Tribunal to continue the proceedings accordingly.

8. On perusal of writ papers, it is also forthcoming that the matter was again agitated before this Court in Writ Petition No.26670/1997 and this Court by order 03rd August, 1999 (Annexure-J) remitted the matter to the respondent No.1-Land



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Tribunal for adjudication as question before this Court was relating to the fact that the respondents 3 to 7 therein are the applicants and they were represented by the Advocate, who was also a Member of the Land Tribunal in some other matters. In the backdrop of these aspects, on careful consideration of the impugned order passed by the respondent No.1-Land Tribunal, the same would indicate that the respondent No.1-Land Tribunal, after considering the material on record, had arrived at a conclusion that the applicants had not produced any document to establish that, they were cultivating the subject land under the landlord Muniyamma. It is also forthcoming from the finding recorded by the respondent No.1-Land Tribunal that, no material as to payment of Geni has been produced before the Land Tribunal, so also, in the RTC extracts, the name of the applicants is not reflected in column No.12 (cultivator's column) to establish that the predecessors of petitioners were cultivating the subject land. That apart, the petitioners have not examined any independent witness to establish that they were in cultivation of the subject land. Therefore, following law declared by this Court in the case of



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KRISHNA BHAT vs. LAND TRIBUNAL, BANTWAL reported in *ILR 1986 KAR 1574*, I am of the view that, the ingredients have to be satisfied as to conferment of occupancy rights as required under Sections 44 and 45 of the Karnataka Land Reforms Act. Therefore, I am of the view that, no perversity in the impugned order passed by the respondent No.1-Land Tribunal. Accordingly, Writ petition is ***dismissed***.

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

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List No.: 1 Sl No.: 47