



CNR: KAHC010312892020

NC: 2026:KHC:53128
WP No. 15144 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO.15144 OF 2020 (LR)

BETWEEN:

SRI. GOVINDAIAH
S/O PUTTAIAH
SINCE DEAD BY HIS LRS.

1. SMT. G. PUTTAMMA
D/O LATE GOVINDAIAH
AGED ABOUT 42 YEARS,
R/AT KURUBARAHALLI VILLAE
THAVAREKERE HOBLI
BENGALURU SOUTH TALUK-560 070.
2. SMT. PUSHPALATHA
D/O LATE GOVINDAIAH
AGED ABOUT 38 YEARS,
R/AT KURUBARAHALLI VILLAE
THAVAREKERE HOBLI
BENGALURU SOUTH TALUK-560 070.

...PETITIONERS

(BY SRI. N.S. BHAT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO THE GOVERNMENT
DEPARTMENT OF REVENUE

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



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VIDHANA SOUDHA
BENGALURU-560001.

2. SPECIAL DEPUTY COMMISSIONER-II
BENGALURU SOUTH SUB DIVISION
BENGALURU-560 020.
3. SMT. NARASAMMA
W/O LATE NARASIMHAIAH
SINCE DEAD BY LRS
- 3(a). SRI. NARASIMHA MURTHY
S/O LATE NARASIMHAIAH AND
LATE SMT. NARASAMMA
AGED ABOUT 39 YEARS,
R/O KURUBARAHALLI VILLAGE
THAVAREKERE HOBLI
BENGALURU SOUTH TALUK -560 070.
4. SMT. RANGAMMA
SINCE DECEASED BY HER LR.
- 4(a). SRI. RAMPRAKASH
FATHER'S NAME NOT KNOWN
AGED: MAJOR
R/AT NO.172 2ND MAIN ROAD,
I BLOCK JAYANAGAR
BENGALURU-560 011.
5. SMT. NARASAMMA
W/O DASAPPA
SINCE DEAD BY HER LRS
- 5(a). SRI. JAYARAM
S/O LATE DASAPPA



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AGED ABOUT 49 YEARS,
R/AT KURUBARAHALILI VILLAGE
TAHAVAREKRE HOBLI
BENGALURU SOUTH TALUK-560 070.

5(b). SRI. NARASIMHA MURTHY
S/O LATE DASAPPA
AGED ABOUT 46 YEARS,
R/AT KURUBARAHALILI VILLAGE
TAHAVAREKRE HOBLI
BENGALURU SOUTH TALUK-560 070.

...RESPONDENTS

(BY SMT. SHARADA H.V., AGA FOR R1 & R2;
SRI. A. SAMPATH, ADVOCATE FOR R3(a);
R4(a) & R5(a) ARE SERVED;
NOTICE TO R5(b) HELD SUFFICIENT V/O DATED 16.10.2024)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 29.9.2020 PASSED BY THE KARNATAKA APPELLATE TRIBUNAL, BENGALURU IN APPEAL NO.952/2016 AS PER ANNEXURE-O AND ALSO TO QUASH THE ORDER DATED 27.8.2016 IN CASE PASSED BY THE SPECIAL DEPUTY COMMISSIONER-II BENGALURU SOUTH SUB DIVISION, BENGALURU. THE RESPONDENTS NO.2 AS PER ANNEXURE-P, AND CONSEQUENTLY GRANT THE PROPERTY BEARING SY.NO.15/1 MEASURING 1 ACRE 9 GUNTAS SITUATED AT KURUBARAHALLI VILLAGE THAVAREKERE HOBLI, BENGALURU SOUTH TALUK IN FAVOUR OF THE PETITIONERS.

THIS WRIT PETITION HAVING BEEN RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **E.S. INDIRESH J.**, MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH



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CAV ORDER

1. In this writ petition, the petitioners are assailing the order dated 29.09.2020 (Annexure-O) passed by the Karnataka Appellate Tribunal, Bengaluru, in Appeal No.952/2016, and the order dated 27.08.2016 (Annexure-P) passed by the Special Deputy Commissioner-II, Bengaluru South Sub-Division, Bengaluru, in Case No.INA.CR.3/2004-05, *inter-alia*, sought for a direction to grant the land in question in their favour.

2. It is the case of the petitioners that the land bearing Survey No.15/1, measuring 1 acre 9 guntas, situated at Kurubarahalli Village, Tavarekere Hobli, Bengaluru South Taluk, originally belonged to one late Channarasaiah. After his death, his son, viz., Narasimahiah, succeeded to the schedule property. The said Narasimhaiah executed a Release Deed in



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favour of his mother-Puttanarasamma, on 14.03.1960. Thereafter, Puttanarasamma sold the schedule property in favour of Narasamma, wife of Puttaiah, under a registered Sale Deed dated 02.04.1975.

3. Since the date of purchase, the said Narasamma (grandmother of the petitioners) was in possession and cultivation of the land in question. After the death of Narasamma, wife of Puttaiah, her children, namely, Narasimaihah and Govindaiah, continued to be in possession and cultivation of the said land. The petitioners herein are the children of the said Govindaiah.

4. It is further pleaded in the writ petition that respondent No.5- Narsamma, wife of Dasappa, had two sons, viz., Jayaram (respondent No.5(a)) and Narasimhamurthy (respondent No.5(b)). It is further



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stated that Narasimaiah, son of Channarasaiah, married to Narasamma, and they had a son, namely, Narasimhamurthy (respondent No.3(a)).

5. Respondent No.3, viz., late Narasamma, had filed an application seeking grant of occupancy rights in respect of the subject land before the Land Tribunal, Magadi Taluk, which was registered as LRF No.567/1975-76. The Land Tribunal, by order dated 06.05.1982 (Annexure-B), rejected the application filed by late Narasamma, and the said order attained finality.

6. Thereafter, Narasamma, Wife of Narasimaiah filed another application before the Land Tribunal, Magadi, which was registered as LRF(Tha) No.178-180/1981-82. The petitioners herein are the grandchildren of the said Narasamma, wife of Puttaiah. The said application was considered by the



Land Tribunal under Section 6 of the Karnataka (Personal and Miscellaneous) Inams Abolition Act, 1954, and the Karnataka (Personal and Miscellaneous) Inams Abolition Rules, 1956. The Land Tribunal, accordingly, registered the name of Narasamma, wife of Narasimhaiah, as the occupant of the land in question.

7. Being aggrieved by the same, the grand mother and father of the petitioners filed W.P. No.22560 of 1982, which, subsequently, upon amendment, came to be renumbered as W.P. No.30197 of 2001. This Court, vide order dated 14.01.2004, allowed the said writ petition, set aside the order passed in LRF (Tha) No.178-180/1981-82, and remanded the matter to respondent No.2 for fresh consideration.

8. Thereafter, respondent No.2, upon considering the evidence on record and the directions issued by



this Court on remand, passed an order dated 27.08.2016, conferring occupancy rights in respect of the schedule land in favour of legal representatives respondent No.3- Narasimhamurthy, son of late Narasimhaiah and Narasamma, and directed the Tahsildar to effect the khata and make necessary entries in the revenue records.

9. Feeling aggrieved by the order dated 27.08.2016, the petitioners preferred Appeal No.952/2016 before the Karnataka Appellate Tribunal. The Tribunal, upon consideration of the material on record, dismissed the appeal vide order dated 29.09.2020 (Annexure-O) and confirmed the order dated 27.08.2016 passed by respondent No.2. Aggrieved by the said order, the petitioners have preferred the present writ petition.

7. I have heard Sri. N.S. Bhat, learned counsel appearing for the petitioners; Smt. Sharada H.V.,



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learned Additional Government Advocate appearing for the respondent-State; Sri. A. Sampath, learned counsel appearing for the respondent No.3(a);

8. It is contended by Sri N.S. Bhat, learned counsel appearing for the petitioners, that Puttanarasamma had sold the schedule property in favour of Narasamma, wife of Puttaiah, the predecessor-in-interest of the petitioners, under a registered Sale Deed dated 02.04.1975. It is further contended that Narasimhaiah, son of Puttanarasamma, had executed a Release Deed dated 14.03.1960 in favour of his mother, Puttanarasamma. Therefore, as the predecessor-in-interest of the petitioners had purchased the land in question under the aforesaid Sale Deed, the competent authority, as well as the Karnataka Appellate Tribunal, committed an error in granting occupancy rights in respect of the subject



land in favour of respondent No.3, Narasamma, wife of Narasimhaiah.

9. It is further contended by the learned counsel appearing for the petitioners that the Karnataka Appellate Tribunal ought to have remanded the matter to the competent authority, as the competent authority had failed to comply with the directions issued by this Court in W.P. No.30197 of 2001, disposed of on 14.01.2004. Accordingly, the learned counsel for the petitioners seeks interference by this Court.

10. Per contra, Sri A. Sampanth, learned counsel appearing for respondent No.3(a), submitted that the Tribunal and the competent authority have rightly arrived at the conclusion that Narasamma, wife of Narasimhaiah, was cultivating the land in question. The authorities have also taken into consideration the



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orders passed by the Civil Court, wherein a finding was recorded that Narasamma (respondent No.3) was in possession of the land in question and that Narasamma, wife of Puttaiah was never in possession of the schedule land. It is further submitted that both the authorities, upon conducting a detailed enquiry, conferred occupancy rights in favour of Smt. Narasamma, wife of Narasimaiah (original respondent No.3). Accordingly, the learned counsel sought for dismissal of the writ petition.

11. Smt. Sharada H.V., learned Additional Government Advocate appearing for the respondent-State has produced the original records and submitted that the impugned orders passed by respondent-authorities is just and proper and accordingly, sought for dismissal of the writ petition.



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12. Having heard the learned counsel appearing for the parties and upon careful consideration of the records, it is evident that the land in question originally belonged to late Puttanarasamma, wife of late Chennarasaiah. Thereafter, her son, Narasimhaiah, executed a registered Release Deed dated 14.03.1960 in favour of his mother, Puttanarasamma. It is also forthcoming from the records that, despite executing the aforesaid Release Deed, Narasimhaiah continued to cultivate the land in question. It is further stated that late Puttanarasamma sold the schedule property in favour of Narasamma, wife of Puttaiah, under a registered Sale Deed dated 02.04.1975.

13. Narasamma, wife of late Narasimhaiah, had filed an application seeking grant of occupancy rights in respect of the land in question. The Tribunal, vide



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order dated 18.06.1982 (Annexure-D), granted occupancy rights in favour of Narasamma, wife of Narasimaiah, on the ground that the land had been purchased by Narasamma, wife of Puttaiah, after the vesting of the land in the State Government.

14. The said order was challenged by Narasamma, wife of Puttaiah, and Govindaiah, father of the petitioners herein, in W.P. No.30197 of 2001. This Court, vide order dated 14.01.2004 (Annexure-E), allowed the writ petition, set aside the said order, and remanded the matter to the Special Deputy Commissioner for fresh consideration, after providing an opportunity of hearing to the parties. Thereafter, the competent authority, vide order dated 27.08.2016 (Annexure-P), conferred occupancy rights in favour of Narasamma, wife of late Narasimhaiah. Aggrieved by the said order, the petitioners preferred Appeal



No.952 of 2016 before the Karnataka Appellate Tribunal. The Tribunal, vide order dated 29.09.2020, dismissed the appeal and confirmed the order dated 27.08.2016 passed by respondent No.2.

15. On careful consideration of the order dated 27.08.2016 (Annexure-P) passed by the competent authority, it is evident that the entries in the Index of Lands, Record of Rights and Pahani stand in the name of Narasimhaiah, husband of Narasamma and father of respondent No.3(a). It is further forthcoming that the land in question was a tenanted land and had vested in the respondent-State. Accordingly, Narasamma, wife of late Narasimhaiah, filed an application seeking grant of occupancy rights in respect of the land in question.

16. It is to be noted that the land in question was purchased by the predecessor-in-interest of the



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petitioners, namely, Narasamma, wife of Puttaiah, under the registered Sale Deed dated 02.04.1975 (Annexure-A). As the land had already vested in the State as on the date of execution of the aforesaid Sale Deed, no right, title or interest in respect of the said land could have been transferred in favour of the predecessor-in-interest of the petitioners.

17. The competent authority, after considering the entire material on record, including the vesting of the land in the State, the Sale Deed dated 02.04.1975 said to have been executed by Puttanarasamma in favour of Narasamma, wife of Puttaiah, when the land had already vested in the State, and the Pahani and RTC extracts cannot be accepted as the finding recorded that, Narasamma, wife of Narasimaiah, was cultivating the land in question during the period of vesting.



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18. In that view of the matter, respondent No.2—
Special Deputy Commissioner-II, Bengaluru South
Sub-Division, Bengaluru, vide order dated 27.08.2016
(Annexure-P), upon consideration of the material on
record, has rightly granted occupancy rights in favour
of Narasamma, wife of Narasimhaiah. The said order
has been confirmed by the Karnataka Appellate
Tribunal vide order dated 29.09.2020 (Annexure-O)
after detailed consideration.

19. In view of the foregoing discussion, I find no
perversity or illegality in the orders passed by the
respondent-authorities. Accordingly, I do not find any
merit in the writ petition. The writ petition is,
therefore, ***dismissed***.

Sd/-
(E.S.INDIRESH)
JUDGE