



CNR: KAHC010350432016

NC: 2026:KHC:45574
WP No. 41833 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO. 41833 OF 2016 (LR)

BETWEEN:

1. SMT. JAYAMMA
W/O KEMPARANGAIAH,
SINCE DECEASED REPRESENTED
BY LRS. PETITIONERS NO.2 & 3
ALREADY ON RECORD.
2. SRI NARASIMHA MURTHY
S/O LATE NARASEGOWDA,
AGED ABOUT 57 YEARS.
3. SRI. DEVARAJ
S/O LATE NARASEGOWDA,
AGED ABOUT 50 YEARS,

PETITIONERS NO. 2 & 3 ARE
R/AT VITTARAVUTHANALLI VILLAGE,
URDIGERE HOBLI,
TUMAKUR TALUK AND
DISTRICT - 572 140.

...PETITIONERS

(BY SRI. M.B. CHANDRACHOODA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT,
M.S.BUILDING,

Digitally signed by
CHANDRACHOODA
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010350432016

NC: 2026:KHC:45574
WP No. 41833 of 2016

DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.

2. THE LAND TRIBUNAL
TUMAKURU TALUK,
TUMKURU,
REPRESENTED BY ITS SECRETARY,
SPECIAL TAHASILDAR,
TUMAKURU TALUK
TUMAKURU - 572 126.
3. THE TAHASILDAR
TUMAKURU TALUK,
TUMKURU DISTRICT - 572 126.
4. SRI. D.S. MURTHY
S/O LATE D.H. SADASHIVAIAH,
SINCE DECEASED REPRESENTED
BY LRS.
- 4(a). SMT. USHARANI
W/O LATE D.S. MURTHY
AGED ABOUT 62 YEARS
R/AT VISHWANNA LAYOUT
SHANTHINAGAR
TUMAKURU.
- 4(b). SMT. D.S. ANUPAMA
W/O B.S. RENUKA PRASANNA
AGED ABOUT 41 YEARS
SRI. CHENNABASAVESWARA KRUPA
BESIDES MALLIKARJUNA
SWAMY TEMPLE
9TH CROSS, ASHOK NAGAR



CNR: KAHC010350432016

NC: 2026:KHC:45574
WP No. 41833 of 2016

TUMAKURU-572103.

4(c). SMT. D.S. SADASHIVA
S/O LATE D.S. MURTHY
AGED ABOUT 37 YEARS
R/O VISHWANNA LAYOUT
SHANTHI NAGAR
TUMAKURU.

4(d). SMT. D. SUNITHA
W/O H.S. LOKESH
AGED ABOUT 35 YEARS
NO.4/126, THERE PET
NEAR PACHCHA KOLA
HOSUR - 635 109
TAMIL NADU.

5. SRI. HUTCHAPPA
S/O LATE NARASEGOWDA,
AGED 45 YEARS,
R/O VITTARAVUTHANALLI VILLAGE,
URDIGERE HOBLI,
TUMAKURU TALUK & DISTRICT - 572 140.

...RESPONDENTS

(BY SMT. SHARADA H.V., AGA FOR R1-R3;
SRI. KESHAV R. AGNIHOTRI, ADVOCATE FOR R4(a TO d);
R5 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDER DATED 15.07.2016 PASSED ON THE FILE
OF LAND TRIBUNAL TUMAKURU TALUK, TUMAKURU VIDE
ANNEXURE-L; AND ETC.



CNR: KAHC010350432016

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WP No. 41833 of 2016

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 writ petition, the petitioners are assailing the order dated 15.07.2016 passed in Case No. ULRM 63/75-76 on the file of the Land Tribunal, Tumakuru Taluk, Tumakuru District, vide Annexure-L, whereby the application filed by Narasegowda, the father of petitioner Nos. 2 and 3, seeking grant of occupancy rights in respect of the subject land came to be rejected.

2. It is the case of the petitioners that petitioners and respondent No.5 are the children of late Narasegowda. It is stated that late Narasegowda was cultivating the land bearing Sy. No. 117/4, measuring 3 acres, situated at Aregujjanahalli Village,



Udigere Hobli, Tumakuru Taluk and District. Originally, the owner of the land in question was late D.H. Sadashivaiah, the father of respondent No.4. It is further stated that the father of petitioners was cultivating the land in question and was giving half share of the crops grown in the schedule property to the father of respondent No.4.

3. It is also stated that, after the death of D.H. Sadashivaiah, as the father of petitioners continued to be in cultivation of the land in question and he filed Form No.7 seeking grant of occupancy rights in respect of the said land. Accordingly, the respondent-Land Tribunal initiated proceedings under the provisions of the Karnataka Land Reforms Act.

4. It is further stated in the writ petition that the Land Tribunal, by order dated 03.04.1981, granted occupancy rights in favour of the



Narasegoweda (father of the petitioners). Being aggrieved by the said order, respondent No.4 filed W.P. No.14613/1982 before this Court. In the meanwhile, consequent upon the amendment to the Karnataka Land Reforms Act, the writ petition came to be transferred to the District Land Reforms Appellate Authority and was renumbered as LRA No.46/1986.

5. The Appellate Authority, by order dated 27.04.1989, vide Annexure-J, passed an order adverse to the petitioners. Being aggrieved by the same, W.P. No.7938/1998 was filed before this Court. This Court, by order dated 09.07.2002, vide Annexure-K, remanded the matter to the Land Tribunal for fresh consideration. Pursuant thereto, the Land Tribunal passed the impugned order dated 15.04.2016, vide Annexure-L, rejecting the application filed by the father of petitioners. Aggrieved by the said



order, the legal representatives of deceased Narasegowda have preferred the present writ petition.

6. Heard Sri M.B. Chandrachooda, learned counsel appearing for the petitioners; Sri. Keshav R. Agnihotri, learned counsel appearing for the legal representatives of respondent No.4 and Smt. B.P. Radha, learned Additional Government Advocate appearing for respondent-State.

7. Sri M.B. Chandrachooda, learned counsel appearing for the petitioners, referring to the finding recorded by the Land Tribunal at paragraph 22, contended that the Tribunal was satisfied that late Narasegowda was cultivating the land in question. However, without considering the fact that no enquiry had been conducted for invoking Section 15(6) of the Karnataka Land Reforms Act, (for short, the Act) the Tribunal proceeded to pass the impugned order.



Therefore, it is submitted that the impugned order requires interference by this Court.

8. It is further argued by the learned counsel appearing for the petitioners that respondent No.4, Sri. D.S. Murthy, had joined the Indian Army on 21.11.1966 and was claiming rights over the land on the basis of the Palupatti dated 20.04.1973. However, the said Palupatti was executed only for the purpose of effecting changes in the revenue records. Therefore, it was contended that the finding recorded by the Tribunal by invoking Section 15(6) of the Act is erroneous. Accordingly, learned counsel sought interference by this Court.

9. Per contra, Sri. Keshav R, Agnihotri, learned counsel appearing for the legal representatives of respondent No.4, referred to Annexures-R3 and R7 annexed with statement of objections and contended



that there was a self-declaration to the effect that the land in question was not being cultivated by Sri. Narasegowda. Apart from this, it was stated in the reply notice at Annexure-R6 that respondent No.4 was serving in the Indian Army. Therefore, the Tribunal was justified in invoking Section 15(6) of the Act, and the finding recorded by the Tribunal does not call for interference. Accordingly, he sought dismissal of the writ petition.

10. Smt. B. P. Radha, learned Additional Government Advocate appearing for the respondent-State sought to justify the impugned order passed by the respondent-Land Tribunal and produced the original records for perusal of this Court.

11. In the light of the arguments advanced by the learned counsel appearing for the parties, and upon careful consideration of the same, it is evident



CNR: KAHC010350432016

**NC: 2026:KHC:45574
WP No. 41833 of 2016**

that the father of respondent No.4, namely, D.H. Sadashivaiah, was the owner of the land in question. It is the case of the petitioners that the father of petitioners, namely, Narasegowda, was cultivating the land in question as a tenant.

12. The Pahani records for the years 1968-69 to 1977-78 were produced before the Land Tribunal, which establish that Narasegowda was in possession and cultivation of the land in question. It is also pertinent to note that, as on the relevant date, i.e., 01.03.1974, the records indicate that Narasegowda was cultivating the land in question. Therefore, the land having been vested in the State Government, there was no impediment for the respondent-authorities to consider Form No.7, vide Annexure-A, filed by Sri. Narasegowda seeking grant of occupancy rights in respect of the land in question.



13. The case set up by respondent No.4 is that respondent No.4-D.S. Murthy, was serving in the Indian Army from 21.11.1966 and claims rights over the land on the basis of the registered Partition Deed dated 20.04.1973.

14. Taking into consideration the finding recorded by the Tribunal on Issue No.2, wherein it accepted the fact that late Narasegowda had been cultivating the land in question since 1966 on a 'wara' basis, and also taking into consideration the documents, particularly Exhibits P1 to P34 and Exhibits P36 to P38, the Tribunal arrived at the conclusion that late Narasegowda was cultivating the land in question is just and proper, however, committed wrong in rejecting the Form No.7 filed by late Narasegowda.



CNR: KAHC010350432016

**NC: 2026:KHC:45574
WP No. 41833 of 2016**

15. If that is so, and as on the relevant date, i.e., 01.03.1974, the name of late Narasegowda was reflected in the RTC extracts, and therefore I am of the opinion that the Land Tribunal committed an error in rejecting the application filed by the father of petitioners.

16. It is also to be noted that Form No.7 filed by Narasegowda, vide Annexure-A, indicates that the litigation has been pending for more than 35 years. This Court has already passed orders on more than one occasion, including the order at Annexure-K, and the Land Reforms Appellate Authority had also passed an order in the matter.

17. Though the learned counsel appearing for respondent No.4 submitted that there was a self-declaration made by Narasegowda (father of the petitioners) herein in the reply notice addressed to



respondent No.4, the said submission cannot be accepted as the RTC extracts for the years 1966 to 1978 indicate that late Narasegowda was in cultivation of the land in question. Therefore, I am of the opinion that the said contention of respondent No.4 cannot be accepted.

18. In view of the material available on record indicating that late Narasegowda was in cultivation of the land in question as on the relevant date, i.e., 01.03.1974, I am of the opinion that the impugned order passed by the Tribunal cannot be sustained.

19. Therefore, following the declaration of law made by the Hon'ble Supreme Court in the case of ***Nadakerappa since dead by legal representatives and others vs. Pillamma since deceased by the legal representatives and others*** reported in ***(2024) 15 SCC 740***, if the material on record



CNR: KAHC010350432016

NC: 2026:KHC:45574
WP No. 41833 of 2016

satisfies the High Court with regard to the claim made in Form No.7 by the tenant seeking occupancy rights, the same has to be considered and decided on the basis of the original records available, without remanding the matter repeatedly and to take decision based on the original records.

20. In the present case, the finding recorded by the Tribunal is contrary to the provisions of the Act and the material available on record. Therefore, I am of the opinion that the writ petition deserves to be allowed. Accordingly, the following order is passed:

ORDER

- i. The writ petition is ***allowed***.
- ii. The order dated 15.07.2016 passed by the respondent-Land Tribunal in Case No. ULRM



CNR: KAHC010350432016

63/75-76, vide Annexure-L, is hereby set aside.

- iii. The respondent-Land Tribunal is directed to grant occupancy rights in favour of the petitioners, in terms of the observations made above, and thereafter, the revenue authorities shall enter the names of the petitioners in the revenue records in respect of the subject land.

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