



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.19255 OF 2021 (LR)

BETWEEN:

1. SMT. SHANTAMMA
D/O LATE NARASAREDDY
W/O M.C. GOPAL
AGED ABOUT 68 YEARS,
R/AT CHETTAPPA HOUSE
GUDIBANDE TOWN
CHIKKABALLAPURA DISTRICT-561209.

...PETITIONER

(BY SRI. CHANDRASHEKAR P.V., ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE
VIKAS SOUDHA
DR. AMBEDKAR ROAD
BENGALURU-560001
REPRESENTED BY ITS
PRINCIPAL SECRETARY.
2. LAND TRIBUNAL
CHIKKABALLAPURA TALUK
CHIKKABALLAPURA-562101
REPRESENTED BY ITS
CHAIRMAN.



3. V. MUNIVENKATASHAWAMAPPA
SINCE DECEASED REP. BY LRS.
RESPONDENTS NO. 4 TO 6
4. SMT. V.M. VENKATARAMANAMMA
D/O V. MUNIVENKATASHAMAPPA
AGED ABOUT 58 YEARS,
5. SMT. P.M. MAMATHA
D/O V MUNIVENKATASHAMAPPA
AGED ABOUT 56 YEARS.
6. SRI. P.M. DINESH KUMAR
S/O V MUNIVENKATASHAMAPPA
AGED ABOUT 54 YEARS

RESPONDENTS NO. 4 TO 6 ARE
R/AT PARESANDRA VILLAGE
CHIKKABALLAPURA TALUK
CHIKKABALLAPURA DISTRICT-562104.

...RESPONDENTS

(BY SMT. SHARADA, AGA FOR R1 AND R2;
SRI. GIRI GOWDA, ADVOCATE FOR R4 TO R6;
R4 TO R6 ARE LRS. OF DECEASED R3 V/O DATED 02.12.2021)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DATED 31.07.2021 PASSED IN CASE
NO.LRM(A) 211-7/1976-77 BY THE RESPONDENT NO.2 VIDE
ANNEXURE-D.

THIS PETITION, COMING ON FOR FURTHER HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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

ORAL ORDER

In this writ petition, the petitioner has assailed the order dated 31.07.2021 passed by the Land Tribunal (Annexure-D) in Case No. LRM (A) 211-7/1976-77 (Annexure-A).

2. The relevant facts necessary for adjudication of this writ petition are that the land bearing Sy. No. 87/2 measuring 2 acres 22 guntas and Sy. No.92/2 measuring 27 guntas, situated at Paresandra Village, Chikkaballapur Taluk, is owned by the petitioner's family. It is the case of the petitioner that one V. Munivenkatashamappa, who was then the Chairman of the Village Panchayat, got his name entered in the revenue records as a tenant under the petitioner's great-grandfather. According to the petitioner, such



entries were manipulated and were never supported by any lawful tenancy.

3. It is further stated that, on an earlier occasion, the matter came up before this Court in W.P. No.802 of 1992, wherein the father of the petitioner challenged the grant of occupancy rights in favour of the said Munivenkatashamappa. A Division Bench of this Court, by order dated 09.09.2003 (Annexure-B), allowed the writ petition and remitted the matter to the Land Tribunal for fresh consideration. Thereafter, the Land Tribunal reconsidered the matter and passed the impugned order dated 31.07.2021 (Annexure-D), once again conferring occupancy rights in favour of the tenant. Being aggrieved by the said order, the petitioner has presented this writ petition.



4. Heard Sri. Chandrashekar P.V., learned counsel appearing for the petitioner; Smt. H.V. Sharada, learned Additional Government Advocate appearing for the respondent-State and Sri. Giri Gowda, learned counsel for the respondent Nos.4 to 6.

5. Sri. Chandrashekar P.V., learned counsel for the petitioner, invited the attention of this Court to the order dated 09.09.2003 passed by the Division Bench in W.P.No. 802 of 1992 (Annexure-B). He contended that the Division Bench had noticed several serious illegalities in the revenue records and had specifically observed that the entries relating to the alleged tenancy were manipulated. He submitted that, despite such categorical findings and directions, the Land Tribunal, without properly considering the observations made by the Division Bench, has passed



the impugned order at Annexure-D. Therefore, he sought interference by this Court.

6. Per contra, Smt. H.V. Sharada, learned Additional Government Advocate appearing for the respondent-State sought to justify the impugned order and produced the original records for the perusal of the Court.

7. Sri. Giri Gowda, learned counsel appearing for respondent Nos.4 to 6 also sought to justify the impugned order and prayed for dismissal of the writ petition.

8. In the light of the submissions made by the learned counsel appearing for the parties, it is not in dispute that the petitioner is the owner of the land bearing Sy. No.87/2 measuring 2 acres 22 guntas and Sy. No. 92/2 measuring 27 guntas, situated at Yerasandra Village, Chikkaballapur Taluk. It is the



specific case of the petitioner that the lands in question belong to her ancestors and that they were never leased to any person, much less to V. Munivenkatashamappa.

9. It is also evident from the judgment dated 09.09.2003 passed in W.P.No.802 of 1992 (Annexure-B). Paragraphs 9 to 12 of the said judgment read as follows:

"9. We may also notice the several serious illegalities/discrepancies on the part of second Respondent.

9.1) The second respondent filed Form No. 7 on 31.12.1976 stating that he took two lands on tenancy basis about 15 years ago, i.e., in the year 1961. However, it is significant to note that from 1961 to 1971, the second respondent's name was not entered in the revenue records in the cultivator's column. There is absolutely no explanation as to why his name is not entered in the column No. 12(2) of the Pahani if the second Respondent had taken the lease in the year 1961. It is also admitted by the second respondent



that there is no rent note or document to evidence the lease. He has also admitted that neither the petitioner's father nor the petitioner had never issued him any receipt.

9.2) In the evidence before the Tribunal on 18-7-1979 the second respondent stated that he had never paid any rent to the petitioner but had paid the rent to his daughter Shantamma. When the said Shantamma filed an application to come on record as the daughter and legal heir of the deceased petitioner, the second respondent filed objections denying that she was the daughter of the petitioner and contending that petitioner had no issues.

9.3) In Form No. 7 (filed on 31-12-1976) seeking registration of occupancy rights, the second respondent stated that he was cultivating the lands bearing Sy. No. 87/2 and 92/2 as tenant for the last 15 years, that is from 1971. In his evidence given before the Tribunal on 18-7-1979, the second respondent stated that he was cultivating the lands for the last 15 years, that is from 1964. In his statement of objections dated 5-3-1999 in this writ petition, the second respondent stated that he was a tenant in possession for the last 25 to 30 years that is from 1974 or 1969-70. The discrepancy speaks for itself without anything more.



10. The above discrepancies give credence to the petitioner's contention that the second respondent, misusing his position as Village Panchayat Chairman somehow managed to get his name entered in the cultivator's column in the years 1971-72. The second respondent has also filed to explain how his name came to be entered in 1971-72. He has not examined any witness to show that he was cultivating the lands as tenant. He has not produced any Lease Agreement/rent Agreement/ Rent receipt or any other document. The mere unexplained entry from 1971-72 to 75-76 will not entitle him to seek registration.

11. But, what is more significant is that the Tribunal in its order dated 23-10-1993 has without assigning any reason or discussion of any evidence, has held that second respondent is the tenant.

12. The second respondent in his statement of objections has referred to the evidence of the petitioner before the Tribunal recorded on 20-9-1993. The Tribunal as also referred to the evidence of the petitioner recorded on 20-9-1993. In the said evidence, the petitioner has stated thus (English Translation):

"The applicant (second respondent) is cultivating the lands for the last 10-15 years. He has got his name written in Pahani by fraud/cheating. He has



not paid any rent to me. Now the applicant is in above possession"

The above evidence will in no way help the second respondent to prove the tenancy. The petitioner did not admit any tenancy. The fact that the second respondent was in possession for last 10-15 years (as on 20-9-1993) is true as second respondent was held to be tenant by the Tribunal on 18-7-1979 and the occupancy certificate was issued to the respondent on 20-8-1980. There is no admission that the second respondent was in possession or was a tenant as on 1.3.1974 or any date prior to that date. The second respondent did not choose to cross examine the petitioner. Therefore, the Tribunal could not have accepted the tenancy claim of the second respondent. As noticed above, no evidence or material is referred to by the Tribunal, for registering the second respondent as the occupant. In other words, the order has been passed without reference to any evidence and the order cannot therefore be sustained."

10. A perusal of the aforesaid judgment passed by the Division Bench of this Court indicates that the Bench, after examining the original records, arrived at the conclusion that the revenue records pertaining to



the lands in question had been manipulated. The Division Bench observed that the person claiming tenancy was the Chairman of the Village Panchayat and that the revenue entries appeared to have been tampered with.

11. Despite the aforesaid findings and directions issued by the Division Bench, a careful perusal of the impugned order at Annexure-D discloses that the Land Tribunal has once again conferred occupancy rights in favour of the said V. Munivenkatashamappa without properly considering or advertent to the observations made by the Division Bench. The Tribunal has failed to assign any reasons as to why the findings recorded by this Court were not followed. Consequently, the impugned order suffers from illegality and cannot be sustained in law.



12. It is also evident that, although the Division Bench had passed a detailed and reasoned judgment indicating the aspects that required consideration by the Land Tribunal, the Tribunal has completely ignored the same while passing the impugned order.

13. At this juncture, it is further necessary to note the judgment of the Hon'ble Supreme Court in ***Nadakerappa since dead by legal representatives and others vs. Pillamma since deceased by the legal representatives and others*** reported in ***(2024) 15 SCC 740***, wherein it has been held that repeated remands should be avoided and that, where the material available on record is sufficient for deciding the matter, the Court itself should finally adjudicate the dispute instead of remanding the matter once again.



14. Having regard to the material available on record and the findings already recorded by the Division Bench, this Court is of the considered opinion that no useful purpose would be served by remanding the matter to the Land Tribunal for a second time. The Tribunal has failed to comply with the directions issued by the Division Bench, and the material on record is sufficient to conclude that the impugned order cannot be sustained. Accordingly, I pass the following:

ORDER

(i) The writ petition is ***allowed***.

(ii) The order dated 31.07.2021 passed by the Land Tribunal in Case No.211-7/1976-77 (Annexure-D) is hereby quashed.



(iii) The respondents are directed to pay costs of Rs.50,000/- (Rupees Fifty Thousand only) to the petitioner within a period of eight weeks from the date of receipt of a certified copy of this order.

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

SB
List No.: 1 Sl No.: 69