



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 03RD DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO.19834 OF 2021 (KLR-RR/SUR)

C/W

WRIT PETITION NO.19907 OF 2021 (KLR-RES)

IN WP No.19834/2021

BETWEEN:

1. D. VENKATESH
S/O LATE H.M. DEVAPPA,
SINCE DECEASED, REP. BY LRS.

1(a). SRI. KIRAN KUMAR H.V.
S/O LATE D. VENKATESH,
AGED ABOUT 38 YEARS.

1(b). SRI. H.V. GAUTAM
S/O LATE D. VENKATESH,
AGED ABOUT 35 YEARS.

BOTH ARE RESIDING AT:
NO.667, N.A.L. WIND TUNNEL ROAD,
MURUGESHPALYA, H.A.L. POST,
BENGALURU - 560 017.

...PETITIONERS

(BY SRI. UDAY HOLLA, SENIOR COUNSEL FOR
SRI. C.G. DILEEP GOWDA, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
OFFICE OF THE DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT,
BENGALURU - 560 009.

Digitally signed by
CHAYAS A
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

2. THE ASSISTANT COMMISSIONER
BENGALURU NORTH SUB-DIVISION,
KANDAYA BHAVANA,
K.G. ROAD,
BENGALURU – 560 009.
3. THE TAHSILDAR
BENGALURU EAST TALUK,
DURAVANINAGAR,
KRISHNARAJAPURA,
BENGALURU – 560 036.
4. THE REVENUE INSPECTOR
VARTHUR HOBLI,
BENGALURU EAST TALUK OFFICE,
DURAVANINAGAR,
KRISHNARAJAPURA,
BENGALURU – 560 036.
5. SRI. VIJAYA PRAKASH
S/O LATE M. KRISHNA REDDY,
AGED ABOUT 65 YEARS,
R/AT NO.27, 'POOJA NIWAS',
JAKKASANDRA EXTENSION,
KORAMANGALA 1ST BLOCK,
BENGALURU SOUTH TALUK ,
BENGALURU – 560 034.
6. SMT. SUSHEELA RAMAKRISHNA
W/O LATE D. RAMAKRISHNA,
AGED ABOUT 57 YEARS.
7. SMT. DEEPTHI RAMAKRISHNA
D/O LATE D. RAMAKRISHNA,
AGED ABOUT 37 YEARS.
8. SRI. RAJEEV RAMAKRISHNA
S/O LATE D. RAMAKRISHNA,
AGED ABOUT 34 YEARS.



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

RESPONDENTS 6 TO 8 ARE
R/AT NO.667, N.A.L, WINDTUNNEL ROAD,
MURUGESHPALYA, H.A.L. POST,
BENGALURU – 560 017.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO R4;
SRI. M.R. RAJAGOPAL, SENIOR COUNSEL FOR
SRI. K. VIJAYA KUMAR, ADVOCATE FOR R5;
SRI. AJESH KUMAR, ADVOCATE FOR
SRI. S. NARENDRA, ADVOCATE FOR R6 TO R8)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDERS DATED 01ST OCTOBER, 2021 PASSED BY
THE RESPONDENT NO.1 IN REVISION PETITION NO.45/2021
VIDE ANNEXURE-A, UPHOLDING THE ORDER DATED 05TH
NOVEMBER, 2020 PASSED BY THE RESPONDENT NO.2 IN CASE
NO.R.A(B.E)358/2016-17 VIDE ANNEXURE-L; AND ETC.

IN WP NO. 19907/2021

BETWEEN:

1. D. RAMAKRISHNA
SINCE DEAD, BY LRS.
- 1(a). SMT. SUSHEELA RAMAKRISHNA
W/O LATE D. RAMAKRISHNA,
AGED ABOUT 63 YEARS.
2. SMT. DEEPTHI RAMAKRISHNA
D/O LATE D. RAMAKRISHNA,
AGED ABOUT 37 YEARS.
3. SRI. RAJEEV RAMAKRISHNA
S/O LATE D. RAMAKRISHNA,
AGED ABOUT 34 YEARS.



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

ALL ARE RESIDING AT NO.667,
NAL, WINDTUNNEL ROAD,
MURGESH PALYA, H.A.L. POST,
BENGALURU – 560 017.

...PETITIONERS

(BY SRI. AJESH KUMAR, ADVOCATE FOR
SRI.NARENDRA S., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
OFFICE OF THE DEPUTY COMMISSIONER,
BENGALURU URBAN DIVISION,
K.G. ROAD,
BENGALURU – 560 009.
2. THE ASSISTANT COMMISSIONER
BENGALURU NORTH SUB-DIVISION,
KANDAYA BHAVANA,
K.G. ROAD,
BENGALURU – 560 009.
3. THE REVENUE INSPECTOR
VARTHUR HOBLI,
BENGALURU EAST TALUK,
K.R. PURAM,
BENGALURU – 560 035.
4. K. SAVITRAMMA
SINCE DEAD, BY LR.
- 4(a). SRI. VIJAY PRAKASH,
S/O LATE KRISHNA REDDY,
AGED ABOUT 65 YEARS,
R/AT NO.27, 'POOJA NIVAS',
JAKKASANDRA EXTENSION,
KORMANGALA 1ST BLOCK,
BENGALURU SOUTH TALUK,
BENGALURU – 560 034.



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

5. H.M. DEVAPPA
SINCE DEAD, BY LRS.
- 5(a). D. VENKATESH
SINCE DECEASED, REP. BY LRS.
- 5(a)(i). SRI. KIRAN KUMAR H.V.
S/O LATE D. VENKATESH,
AGED ABOUT 38 YEARS.
- 5(a)(ii). SRI. H.V. GAUTAM
S/O LATE D. VENKATESH,
AGED ABOUT 35 YEARS.
- R5(a)(i) & R5(a)(ii) ARE
R/AT NO.667, NAL,
WIND TUNNEL ROAD,
MURUGESHPALYA, H.A.L. POST,
BENGALURU – 560 017.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO R3;
SRI. M.R. RAJAGOPAL, SENIOR COUNSEL FOR
SRI. K. VIJAYA KUMAR, ADVOCATE FOR R4(a);
SRI. UDAY HOLLA, SENIOR COUNSEL FOR
SRI. C.G. DILEEP GOWDA, ADVOCATE R5(a)(i) & R5(a)(ii))

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET-ASIDE THE ORDER DATED 05TH NOVEMBER, 2020 PASSED BY RESPONDENT NO.2 IN CASE R.A.(B.E)358/2016-17 VIDE ANNEXURE-C; SET-ASIDE THE ORDER DATED 01ST OCTOBER, 2021 PASSED BY RESPONDENT NO.1 IN REVISION PETITION NO.59/2021 VIDE ANNEXURE-F; AND ETC.

THESE WRIT PETITIONS 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



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

CAV ORDER

In these petitions, petitioners are challenging the order dated 05th November, 2020 passed by the respondent No.2-Assistant Commissioner, Bengaluru North Sub-Division, Bengaluru in Case No.R.A.(B.E)358/2016-17; and order dated 01st October, 2021 passed by the respondent No.1-Deputy Commissioner, Bengaluru Urban District in Revision Petition No.45/2021 C/W. Revision Petition No.59/2021 in respect of the subject land.

2. It is the case of petitioners in Writ Petition No.19834/2025, that the land bearing Survey No.124 measuring to an extent of 2 acre 24 guntas of Kodihalli Village, Marathahalli Hobli, Bengaluru East Taluk was purchased by one Patel V. Ramaiah from the erstwhile owners viz., Sri. Ramaiah, Smt. Byramma and their children as per the registered Sale Deed dated 16th December, 1948 and thereafter, the same was sold by Patel V. Ramaiah in favour of M. Krishnareddy S/o Muniswamappa Reddy @ Peddaiah as per the Registered Sale Deed dated 21st February, 1951. In furtherance of the same, H.M. Devappa had purchased an extent of 3 acre 1 gunta in



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

Survey No.124/2 from M. Krishnareddy S/o Muniswamappa Reddy @ Peddaiah under the registered Sale Deed dated 26th September, 1958. It is further averred in the petition that the respondent-Government had promulgated Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 (for short, hereinafter referred to as '**1954-Act**') and as such, the said Krishnareddy had filed application to the Special Deputy Commissioner, Inams seeking grant of land in his favour to an extent of 2 acre 24 guntas in Survey No.124/2 as a Kadim Tenant in Case No.88. The Special Deputy Commissioner, by endorsement dated 26th December, 1958, granted occupancy right in favour of M. Krishnareddy in respect of the subject land. Thereafter, the said Krishnareddy filed another application in Case No.INA 145/1963-64, claiming occupancy right in respect of remaining extent of 17 guntas and as such, the Additional Deputy Commissioner for Inams Abolition, Bengaluru, by order dated 20th August, 1965 granted occupancy right as claimed by the said M. Krishnareddy.

3. It is also averred in the petitions that, as the said M. Krishnareddy sold the land in favour of H.M. Devappa



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

(father of D. Venkatesh and D. Ramakrishna), the grant of land by the competent authority in favour of M. Krishnareddy is non-existent and contrary to records. It is also contended in the writ petitions that the revenue records were mutated in the name of H.M. Devappa as per the registered Sale Deed dated 26th September, 1958. The Index of Land, Record of Rights and Mutation was transferred into the name of H.M. Devappa and accordingly, the said H.M. Devappa became absolute owner of the subject land and as such, M.R.No.54/1964-65 made in favour of said H.M. Devappa. In the meanwhile, the Government of Karnataka issued acquisition proceedings and as such, acquired 22 guntas out of 3 acre 1 gunta in Survey No.124/2 for National Aeronautical Laboratories, Government of India. It is further averred that the said H.M. Devappa received compensation and filed an appeal seeking enhancement of compensation and same was awarded to him accordingly.

4. It is further stated by the petitioners in writ petitions that the said H.M. Devappa got converted an extent of 20 guntas out of 2 acre 18 guntas on 18th May, 1967 for the



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

purpose of constructing residential house and accordingly, the said H.M. Devappa and his sons viz., D. Venkatesh (*father of petitioners in WP No.19834/2021*) and D. Ramakrishna (husband of petitioner No.1 and father of petitioners 2 and 3 in WP No.19907/2021) are residing in the subject land. It is also stated that, during the lifetime of H.M. Devappa, partition took place in his family on 23rd October, 1991 and as such, an extent of 37 guntas each was allotted to the share of his sons viz., D. Venkatesh (*father of petitioners in WP No.19834/2021*) and D. Ramakrishna (*husband of petitioner No.1 and father of petitioners 2 and 3 in WP No.19907/2021*). It is also stated in the writ petitions that the said D. Venkatesh got converted his share of entire extent of 37 guntas as per Notification dated 24th May, 2010.

5. It is further case of petitioners that, one Muniyanaiah filed appeal in Case No.R.A.(BE)171/2008-09 claiming right in respect of 2 acre 24 guntas in Survey No.124/2 of Kodihalli Village against H.M. Devappa and his children and the said appeal came to be dismissed as per the order dated 22nd January, 2010. In the meanwhile, one Sri.



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

Vijay Prakash and his mother K. Savithramma claims to be the legal heirs of deceased M. Krishnareddy filed appeal in Case No.R.A.(B.E)358/2016-17 before the respondent No.2-Assistant Commissioner, challenging the mutation in M.R. No.4/1991-92, M.R. No.3/2009-10 and M.R. No.5/2009-10 in respect of the subject land in terms of the order passed by the Special Deputy Commissioner for Abolition of Inams. The respondent No.2-Assistant Commissioner, by order dated 05th November, 2020 allowed the appeal and as such, mutation entries made in favour of children of H.M. Devappa were cancelled. Being aggrieved by the same the said D. Venkatesh, father of petitioners in WP No.19834/2021 filed Revision Petition No.45/2021 and D. Ramakrishana, husband of petitioner No.1(a) and father of petitioners 1(b) and 1(c) in WP No.19907/2021 filed Revision Petition No.59/2021 before the respondent No.1-Deputy Commissioner, Bengaluru Urban District, wherein the respondent No.1, by common order dated 01st October, 2021 dismissed the Revision Petitions. Hence, the petitioners are before this Court.



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

6. Heard Sri. Udaya Holla, learned Senior Counsel on behalf of Sri. C.G. Dileep Gowda, appearing for petitioners in WP No.19834/2021 and for respondents 5(a)(i) and (ii) in WP No.19907/2021; Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State; Sri. M.R. Rajagopal, learned Senior Counsel on behalf of Sri. K. Vijaya Kumar, appearing for respondent No.5 in WP No.19834/2021 and for respondent No.4(a) in WP No.19907/2021; and Sri. Ajesh Kumar, learned counsel on behalf of Sri. S. Narendra, appearing for respondents 6 to 8 in WP No.19834/2021 and for petitioners in WP No.19907/2021.

7. Sri. Udaya Holla, learned Senior Counsel appearing for petitioners in WP No.19834/2021, by referring to Section 3 of the 1954-Act, contended that, M. Krishnareddy had sold the subject land as per registered Sale Deed dated 26th September, 1958 in favour of H.M. Devappa and as such, the said M. Krishnareddy ceased to be a owner of the subject land. Learned Senior Counsel further contended that the said M. Krishnareddy had filed false affidavit before the Special Deputy Commissioner, Inams, claiming occupancy right in respect of



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

the subject land stating that, he was in possession of the subject land, by suppressing the fact that, he had sold the subject land in favour of H.M. Devappa, which aspect of the matter was ignored by the respondent-Authorities.

8. By referring to Section 43 of the Transfer of Property Act, 1882, Sri. Udaya Holla, learned Senior Counsel argued that, where a person fraudulently represents that, he is authorised to transfer certain immovable properties and professes to transfer such property for consideration, such transfer shall at the option of the Transferee operate on any interest, which the transferor may acquire in such property at any time during which, the contract of transfer subsists and therefore, the said M. Krishnareddy and his legal heirs have no authority under law to claim the title over the subject land. Accordingly, learned Senior Counsel sought for setting aside the impugned orders.

9. It is further argued by learned Senior Counsel Sri. Uday Holla that, both the respondent-Authorities have failed to consider the fact that the mutation entries do not confer title and therefore, the contesting respondents have to establish



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

their right independently. Accordingly, he argued that the respondents 1 and 2 ought to have relegated the contesting respondents to establish their right over the subject land. In this regard, learned Senior Counsel places reliance on the judgment of Hon'ble Supreme Court in the case of **RAVINDER KAUR GREWAL AND OTHERS vs. MAJITH KAUR AND OTHERS** reported in (2019) 8 SCC 729 and argued that, Section 27 of the Limitation Act, 1963 provides for extinguishment of right on the lapse of limitation fixed to institute a suit for possession of any property and further right to such property shall extinguished and as such, sought for setting aside the impugned order.

10. Sri. Udaya Holla, learned Senior Counsel further contended that the subject land is situate within the purview of the Bruhat Bengaluru Mahanagara Palike and therefore, the Karnataka Land Revenue Act ceases to be applicable and accordingly, places reliance on the judgment of this Court in the case of **J.M. NARAYANA AND OTHERS vs. CORPORATION OF CITY OF BENGALURU AND OTHERS** reported in *ILR 2005 KAR 60* and submitted that the impugned



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

orders required to be set-aside. It is also contended by learned Senior Counsel that the contesting respondents viz., legal heirs of M. Krishnareddy have approached the respondent No.2 by challenging the mutation entries, after a period of thirty five years and the said aspect of the delay and laches was ignored by the respondent-Authorities. Therefore, places reliance on the judgment of this Court in the case of **SMT. SUNDARA BAI AND OTHERS vs. THE DEPUTY COMMISSIONER AND OTHERS** reported in *ILR 2012 KAR 2358* and sought for interference of this Court.

11. Sri. Ajesh Kumar, learned counsel appearing for petitioners in WP No.19907/2021 argued in similar lines with the learned Senior Counsel Sri. Uday Holla, appearing for petitioners in WP No.19834/2021 and further contended that the principle underlying Section 43 of the Transfer of Property Act mandates the principle of feeding the estoppel, wherein a grantor has purported to grant an interest in land which he did not possess at that time, but acquires the same subsequently, and the benefit of such subsequently acquisition goes to the



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

earlier grantee and therefore, sought for interference of this Court.

12. Per contra, Sri. M.R. Rajagopal, learned Senior Counsel appearing for respondent No.5 in WP No.19834/2021 and for respondent No.4(a) in WP No.19907/2021 contended that, M. Krishnareddy had purchased the land bearing Survey No.124/2 measuring 2 acre 24 guntas of Kodihalli Village, Marathahalli Hobli, Bengaluru East Taluk under the registered Sale Deed dated 21st February, 1951. It is further argued that, Kodihalli Village was an Inam village and as such, entire village vested with the Government as per Section 3 of the 1954-Act. Learned Senior Counsel further contended that, though, M. Krishnareddy sold the subject land in favour of H.M. Devappa as per registered Sale Deed dated 26th September, 1958, however, the land in question was vested with the Government from 15th September, 1956 and as such, the ownership in respect of the subject land lies with the State Government. Therefore, learned Senior Counsel submits that, any right, title and interest vested with the Inamdar on account of promulgation of 1954-Act, shall ceased and be vested



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

absolutely in the State of Karnataka free from all encumbrances. Learned Senior Counsel further argued that, M. Krishna Reddy filed an application for grant of occupancy right in respect of the subject land and same was registered as Case No.INA.88 and renumbered as Case No.INA.145/1963-64. It is further argued that the Additional Special Deputy Commissioner for Inam Abolition, Bengaluru as per order dated 20th August, 1965 re-granted the land in favour of said M. Krishnareddy and thereby on the demise of the M. Krishnareddy, his legal heirs viz., his wife K. Savithramma and son Vijay Prakash inherited the subject land.

13. The principal argument of the learned Senior Counsel Sri. M.R. Rajagopal is that, except M. Krishnareddy, no other persons have made an application seeking grant of land much less the said H.M. Devappa and therefore, the petitioners have no right, title and interest over the subject land. It is also argued by learned Senior Counsel Sri. M.R. Rajagopal that the subject land was never in possession of petitioners or their predecessors at any point of time and accordingly, refutes the contention of the petitioners.



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

14. It is further argued by Sri. M.R. Rajagopal, learned Senior Counsel that the grandfather of petitioners *viz.*, H.M. Devappa, had made an application seeking re-grant of land in respect of the and he has not made any application seeking re-grant in respect of the subject land i.e., Survey No.124/2 of Kodihalli Village and accordingly, the Special Deputy Commissioner, by order 04th December, 1958, granted occupancy right in respect of land bearing Survey No.115/1, 115/2, 116/1 and 116/2 of Kodihalli Village in favour of H.M. Devappa. Therefore, learned Senior Counsel contended that, if the said H.M. Devappa was in possession of land bearing Survey No.124/2 of Kodihalli Village as argued by learned Senior Counsel Sri. Udaya Holla, appearing for petitioners, there is no impediment for him to file an application in respect of the subject land bearing Survey No.124/2 of Kodihalli Village in the event, if he was really in possession of the land bearing Survey No.124/2 of Kodigehalli Village. Accordingly, he argued that, H.M. Devappa was not in possession of the subject land and on account of promulgation of the 1954-Act, the land was vested with the Government and thereafter, re-granted in



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

favour of M. Krishnareddy pursuant to the application made by him. Learned Senior Counsel further argued that, the revenue entries stand in the name of M. Krishnareddy till his death on 04th June, 2015 and thereafter, transferred into the name of the his legal heirs and on noticing the name of D. Venkatesh and D. Ramakrishna in the revenue records in respect of subject land, the legal heirs of M. Krishnareddy viz., K. Savithramma and Vijay Prakash questioned the mutation entries in M.R. Nos.4/91-92, 3/09-10, 5/09-10 made in their favour in Case No.R.A(B.E)358/2016-17 before the respondent No.2-Assistant Commissioner, Bengaluru North Sub-Division and the said authority by order dated 05th November, 2020 quashed the aforementioned mutation entries and as such, directed the respondent No.3-Tahsildar to enter the name of legal heirs of M. Krishnappa in the revenue records. In this regard, learned Senior Counsel Sri. M.R. Rajagopal contended that the respondent No.1-Deputy Commissioner, Bengaluru Urban District rightly dismissed the Revision Petitions filed by D. Venkatesh (son of H.M. Deveppa) in R.P. No.45/2021 and legal heirs of D. Ramakrishna (son of H.M. Devappa) in R.P.



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

No.59/2021. Accordingly, learned Senior Counsel sought for confirming the impugned orders passed by the respondents 1 and 2.

15. Nextly, Sri. M.R. Rajagopal, learned Senior Counsel appearing for respondent No.5 in WP No.19834/2021 and for respondent No.4(a) in WP No.19907/2021 contended that the arguments advanced by learned Senior Counsel Sri. Udaya Holla as to the possession of the subject land with the petitioners, pursuant to the Sale Deed executed in favour of H.M. Devappa cannot be accepted on the sole ground that the said H.M. Devappa was not in possession of the subject land and further the said H.M. Devappa has not made any application seeking re-grant and therefore, the petitioners cannot claim benefit of Section 43 of the Transfer of Property Act. Accordingly, sought for dismissal of the petitions.

16. In order to buttress his arguments, learned Senior Counsel Sri. M.R. Rajagopal places reliance on the judgment of Hon'ble Supreme Court in the case of **ATLA SIDDA REDDY vs. BUSI SUBBA REDDY AND OTHERS** reported in (2010) 6 SCC 666 and argued that the petitioners cannot claim right over the



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

subject land as they have no title in respect of the subject land. Accordingly, sought for dismissal of the petitions.

17. Sri. M.R. Rajagopal, learned Senior Counsel also places reliance on the judgment of Division Bench of this Court in the case of **SHIDRAMAPPA BHEEMAPPA ASANGI AND OTHERS vs. STATE OF KARNATAKA, SECRETARY, DEPARTMENT OF REVENUE AND OTHERS** reported in *ILR 2001 KAR 5072* and argued that, under similar set of facts in relation to Karnataka Village Offices Abolition Act, 1961, it is held that the Doctrine of feeding the grant by estoppel is not applicable and accordingly, sought for dismissal of petitions.

18. Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State sought to justify the impugned orders passed by respondents 1 and 2.

19. In the light of the submission made by learned counsel appearing for the parties, it is forthcoming that, M. Krishnareddy became owner of the subject land as per the registered Sale Deed dated 21st February, 1951 executed by Patel V. Ramaiah and thereafter, M. Krishnareddy sold the



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

same in favour of H.M. Devappa as per registered Sale Deed dated 26th September, 1958. The petitioners herein are claiming right over the subject land based on the registered Sale Deed dated 26th September, 1958 executed in favour of H.M. Devappa. It is pertinent to mention here that the land bearing Survey No.124/2 of Kodihalli Village is Inam land and after the promulgation of 1954-Act, all Inam lands are vested with the Government as per Section 3 of the said Act.

20. It is pertinent to mention here that, pursuant to the promulgation of the 1954-Act, M. Krishnareddy made an application seeking occupancy right in respect of land bearing Survey No.124/2 of Kodihalli Village and on the other hand H.M. Devappa made an application seeking occupancy right in respect of the land bearing Survey No.115/1, Survey No.115/2, Survey No.116/1 and Survey No.116/2 of Kodihalli Village. It is to be noted that the said H.M. Devappa has not filed any application seeking occupancy right in respect of the subject land bearing Survey No.124/2 of Kodihalli Village. Accordingly, the Special Deputy Commissioner granted occupancy right in favour of M. Krishnareddy in respect of the land bearing Survey



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

No.124/2 and similarly, granted occupancy right in favour of H.M. Devappa in respect of land bearing Survey No.115/1, Survey No.115/2, Survey No.116/1 and Survey No.116/2 of Kodihalli Village. At this stage, it is relevant to cite the judgment of this Court, in the case of **A. RANGASWAMY SINCE DECEASED BY LRS. vs. P. VENKATAPPA SINCE DECEASED BY LR. AND OTHERS** reported in *ILR 2007 KAR 3454*, wherein it is held that the Authorities under Inams Abolition Act are required to grant occupancy right in favour of the claimants/applicants only on the ground that they were found to be in possession of the schedule lands. The respondent-Authorities under the 1954-Act have no jurisdiction to go into the question of title and grant of land is to be made only on the basis of possession. The aforementioned aspect was considered by the Hon'ble Supreme Court in the case of **BALAWWA AND ANOTHER vs. HASANABI AND OTHERS** reported in *ILR 2000 KAR 4809*. It is also to be noted that the petitioners have not challenged the re-grant order made in favour of M. Krishnareddy in respect of the subject land bearing Survey No.124/2 of Kodihalli Village and same has reached



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

finality. This Court, in the case of **P. RAMAIAH SETTY (DEAD) BY LRS AND OTHERS vs. R. NANJUNDAIAH (DEAD) BY LRS AND OTHERS** reported in (2007) 1 KLJ 547 at paragraph 8 to 10 held as follows:

"8. It is relevant to note that the Mysore (Personal and Miscellaneous) Inams Abolition Act 1954 has received the assent of the President (Gazetted on 19-3-1955). In view of the said enactment, the Personal and Miscellaneous Inams held by the erstwhile Inamdars vested in the State from the year 1955 itself. It is not in dispute that the Inam in question is the personal Inam and thus, the Inam held by Inamdar Sri. K. Subbarao (defendant No. 2) stood vested in the State Government in the year 1955. Even prior to the date of such vesting, the Inamdar (Jodidar) was in arrears of the land revenue. The consequences that follow from such vesting of the Inams in the State are described in Section-3 of the "Inams Abolition Act" which reads as under:

3. Consequence of the vesting of an Inam in the State: (1) When the notification under Sub-section (4) of Section 1 in respect of any Inam has been published in the Mysore Gazette, then notwithstanding anything contained in any contract, grant or other instrument or in any other law for the time being in force, with effect on and from the date of vesting, and save as otherwise expressly provided in this Act, the following consequences shall ensure, namely:

(a) The provisions of the Land Revenue Code relating to alienated holdings shall, except as respects minor inams to which this Act is not applicable, be deemed to have been repealed in their application to the inam; and the provisions of



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

the Land Revenue Page 1083 Code and all other enactments applicable to unalienated, villages shall apply to the said inam;

(b) All rights, title and interest vesting in the inamdar including those in all communal lands, uncultivated lands, whether assessed or not, waste lands, pasture lands, forests, mines and minerals, quarties, rivers and streams, tanks and irrigation works, fisheries and ferries shall cease and be vested absolutely in the State of Mysore, free from all encumbrances:

(c) The inamdar shall cease to have any interest in the inam other than the interests expressly saved by or under the provisions of this Act;

(d) All rents and land revenue including cesses and royalties accruing in respect of lands comprised in such inam on or after the date of vesting shall be payable to the State and not to the inamdar and any payment made in contravention of this clause shall not be valid;

(e) All arrears of revenue, whether as jodi, quet-rent, or khayamgutta, and cesses, remaining lawfully due on the date of vesting in respect of any such inam shall after such date continue to be recoverable from the inamdar by whom they were payable and may, without prejudice to any other mode of recovery, be realised by the deduction of the amount of such arrears and cesses from the compensation money payable to such inamdar under this Act;

(f) No such inam shall be liable to attachment or sale in execution of any decree or other process of any court and any attachment existing on the date of vesting or any order for attachment passed before such date in respect of such inam, shall, subject to the provisions of Section 73 of the Transfer of Property Act, 1882, cease to be in force;

(g) The Government may, after removing any obstruction that may be offered, forthwith take possession of the inam and all accounts, registers, pattas, mutchalikas, maps, plans and other documents relating to the inam which the Government, may require for the administration thereof:



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

Provided that the Government shall not disposes any person of any land in respect of which they consider that he is prima facie entitled to be registered as the occupant or as the holder of a minor inam (or to be continued as a tenant);

(h) the inamdar and any other person whose rights have vested in the State of Mysore under Clause (b) shall be entitled only to compensation from the Government as provided in this Act;

(i) the relationship of landlord and tenant shall, as between the inamdar and a kadim tenant or permanent tenant or quasi-permanent tenant, be extinguished;

(j) the relationship of superior holder and inferior holder shall, as between the inamdar and the holder of a minor inam, be extinguished;

(k) Kadim tenants, permanent tenants and quasi-permanent tenants in the inam and persons holding under them and holders of minor inams shall, as against the Government, be entitled only to such rights and privileges and be subject to such conditions as are provided for by or under this Act; and any other rights and privileges which may have accrued to them in the inam before the date of vesting against the inamdar shall cease and determine and shall not be enforceable against the Government or such inamdar.

(2) Nothing contained in Sub-section (1) shall operate as a bar to the recovery by the inamdar of any sum which becomes due to him before the date of vesting by virtue of his rights as inamdar and any such sum shall be recoverable by him by any process of law which but for this Act would be available to him."

(Emphasis Supplied)

Further, it is relevant to note the provisions of Section-5 and 10 of the "Inams Abolition Act" which are necessary for consideration of the question involved in this appeal, which read as under:

5. Permanent tenants to be registered as occupants on certain conditions : (1) Subject to the



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

provisions of Sub-section (2) every permanent tenant of the inamdar shall, with effect on and from the date of vesting, be entitled to be registered as a occupant in respect of all lands of which he was a permanent tenant immediately before the date of vesting:

Provided that no person who has been admitted into possession of any land by inamdar on or after the first day of July 1948, shall, except where the Deputy Commissioner after an examination of all the circumstances otherwise directs, be entitled to be registered as an occupant in respect of such land.

(2) In addition to the annual land revenue payable in respect of the land, a permanent tenant entitled to be registered as an occupant of any land under Sub-section (1), shall be liable to pay to the Government, as premium for acquisition of ownership of that land, an amount equal to twenty times such land revenue. The amount of premium shall be payable in not more than ten annual installments along with the annual land revenue and in default of such payment, the amount due shall be recoverable as an arrears of land revenue due on the land in respect of which it is payable.

Provided that where a permanent tenant entitled to be registered as an occupant of land under Sub-section (1) is shown as a registered occupant in the settlement register and other records referred to in Section 117 of the Land Revenue Code or where the rent paid by a permanent tenant entitled to be registered as an occupant under Sub- Page 1085 section (1) [is not more than the land revenue], no premium shall be payable under this sub-section.

10. Determination of claims under Section. 4, 5, 6, 7, 8 and 9 - (1) The [Tribunal] shall examine the nature and history of all lands in respect of which a kadim tenant, a permanent tenant, a quasi-permanent tenant, the holder of a minor inam or an inamdar claims to be registered as occupant under Sections 4, 5, 6, 7 and 9 or the holder of a minor Inam claims to be registered as holder under Section 8, [XXX] as the case may be, and decide in respect of which lands the claims should be allowed.

(2) A tenant found to be in possession of any land on the first day of July, 1948, shall be presumed to be



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

quasi-permanent tenant as defined in Clause (14) of Sub-section (1) and Section 2 unless the inamdar proves that such tenant is not a quasi-permanent tenant as defined in Clause (14) of Sub-section (1) of Section 2.

Provided that in the case of a tenant in minor Inam such presumption shall be raised if such tenant is found to be in possession of any land on the 1st day of July 1970.

[(3) (a) No person shall be entitled to be registered as an occupant under Sections 4, 5, 6, 7 and 9 unless the claimant makes an application to the [Tribunal]. Every such application shall be made:

(i) in respect of lands in Inams which have vested in the State before the date of commencement of the Karnataka Inams Abolition (Amendment) Act, 1973 within [six years] from the date of commencement of the said Amendment Act and;

(ii) in respect of lands in Inams which vest in the State on or after the commencement of the Karnataka Inams Abolition Laws (Amendment) Act, 1973 within [three years] from the date of vesting of the [Inam concerned or 31st December 1979 whichever is later].

(b) Where no application is made within the period specified in Clause (a), the right of any person to be registered as an occupant shall stand extinguished and the land shall vest in the State absolutely; [such land shall be disposed of in accordance with rules relating to grant of lands.

(c) The provisions of Sections 48A, 48C and 112 of the Karnataka Land Reforms Act, 1961 and the relevant rules framed thereunder shall mutatis mutandis apply to an enquiry for determination of a claim under this Section 5 [and the decision of the Tribunal shall be final] [18 of 90.

10-A. Entries to be made in the record of rights. (1) After the determination of claims under Section 10, the [Tribunal] shall send the prescribed particulars of the decision of the officer maintaining the record of rights under the Mysore Land Record of Rights Act, 1958.



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

(2) On receipt of the particulars under Sub-section (1), and notwithstanding anything contained in the [Karnataka Land Record Page 1086 of Rights Act, 1958], the officer concerned shall enter such particulars in the registers.

(Emphasis Supplied)

9. The plain reading of Section-3(1)(b) of "Inams Abolition Act" it is clear that all rights, title and interest vested in Inamdars (defendant No. 2) have ceased to exist and are vested absolutely in the State of Mysore (now called State of Karnataka) free from all encumbrances. The Inamdars ceased to have any interest in such Inam lands other than the interest that is specially saved under the "Inams Abolition Act". After vesting, all the rents and land revenue including cesses and royalties accruing in respect of lands comprised in such Inam shall be payable to the State and not to the Inamdar. Inamdars were only entitled for grant of certain compensation as provided under the said Act.

Clause (f) of Section-3(1) of the "Inams Abolition Act" further makes it clear that such Inams shall not be liable to attachment or sale in execution of any decree or other process of any Court and any attachment existing on the date of vesting or any order for attachment passed before such date in respect of such Inam, shall, and such debt in respect of the Inam shall, cease to be in force. Thus, it is clear that the existing attachment for non payment of land revenue by the inamdars as on the date of vesting ceased to be in force from the date of vesting. The arrears of land revenue as on the date of vesting shall



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

have to be recovered from the Inamdars by deducting the said amount from out of the compensation to be payable to Inamdars by the State Government as per Section 3(1)(c) of Inams Abolition Act. Consequently, the land vests in the State Government free from all encumbrances. In other words, the property in question would be the property of the State Government from the date of vesting free from all encumbrances. Consequently, the State Government could not have sold the land in question in public auction for recovery of the arrears of land revenue after the date of vesting. Thus, the auction sale conducted by the State Government, in which, the 1st defendant had purchased the land in question is ab-initio void. Since the defendant No. 1 himself did not get any right over the property in question in pursuance of the sale, subsequent sale made in favour of defendants-3 to 22 by the 1st defendant is also void and therefore, the defendants-3 to 22 also have got no right, title or interest over the property in question.

10. Even otherwise, the interest of the permanent tenants will not extinguish or vanish after vesting by virtue of the aforesaid enactment. The rights of the permanent tenants are protected under the Act. The proviso to Sub-section (g) of Section 3(1) of the 'Inams Abolition Act' mandates that the State Government shall not dispossess the person of any land in respect of which the State Government considers that he is prima facie entitled to be registered as the occupant or to be continued as a tenant. Section-5 of the Act farther makes it clear that



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

the permanent tenants shall be registered as occupant on certain conditions. If particular person is a permanent tenant prior to the date of vesting or on the date of vesting, it is open for Page 1087 him to file application for registering himself as occupant and the State Government, after making enquiry shall register such permanent tenant as the occupant in respect of the lands of which he was a permanent tenant immediately before the date of vesting. The procedure for determination of the claims made Under Section 5 of the "Inams Abolition Act" is prescribed under Section-10 of the "Inams Abolition Act". If Section 5 is read harmoniously with the provisions of Section-3 it can be safely concluded that the rights of permanent tenants are protected even after the date of vesting of land in the State. Thus, the sale in favour of defendant No. 1 by the State and the subsequent sale by defendant No. 1 in favour of defendants 3 to 22, even assuming to be legal and valid, the same are subject to the rights of permanent tenant i.e., Narasappa. At the most it can be said that the defendants 1, 3 to 22 are clothed with the rights of Inamdar. However, the rights of the Inamdar will extinguish immediately after vesting subject to his right of getting compensation from the Government under Sub-section (h) of Section 3 of the "Inams Abolition Act".

Added to this, as can be seen from the provisions of Section 87 of the Karnataka Land Revenue Act 1964, even if the land is sold for recovery of arrears of land revenue, such sale will not affect the rights of Kadim



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

*tenants or permanent tenants in alienated holdings/rights
in respect of such occupancy or holding.”*

(emphasis supplied)

21. This Court in the case of **SMT. RAJAMMA AND OTHERS vs. SMT. HANUMAKKA SINCE DEAD BY LRS** reported in (2011)4 KLJ 2008 had an occasion to consider the scope and ambit of chapter 2 of the 1954-Act and at paragraphs 16 to 20, it is held as under:

"16. Insofar as maintainability of suit is concerned, it is necessary to refer to the provisions of the Act. Chapter-II of the Act deals with the vesting of inam land in the State and its consequences. Section-3 refers to the consequences of the vesting of an inam in the State. As per Clause (b) of sub-section (1) of Section-3 all rights, title and interest vesting in the inamdar including those in all communal lands, uncultivated lands, whether assessed or not, waste lands, pasture lands, forests, mines and minerals, quarries, rivers and streams, tanks and irrigation works, fisheries and ferries shall cease and be vested absolutely in the State of Karnataka, free from all encumbrances. As per Clause (c) of sub-section (1) of Section-3 the inamdar shall cease to have any interest in the inam other than the interests expressly saved by or under the provisions of the Act. Consequent of vesting, right is oversteered in kadim tenant, permanent tenant, quasi



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

permanent tenant to be registered as an occupant of the land. Sections-4, 5 and 6 relate to the grant of occupancy rights in respect of the land.

17. Section-7 refers to the vesting of lands and buildings in the holder of a minor inam to which the Act is applicable. Every holder of a minor inam to which the Act is applicable shall with effect on and from the date of vesting, be entitled to be registered as an occupant of all lands which immediately before the date of vesting were included in his holding other than (i) communal lands, waste lands, gomal lands, forest lands, tank beds, mines, quarries, rivers, streams, tanks and irrigation works; (ii) lands in respect of which any person is entitled to be registered under Section 4 or 5; and (iii) lands upon which have been erected buildings owned by any person other than the holder of the minor inam. This provision confers right on the minor inamdar to be registered as an occupant. However no registration is required in respect of holding of the lands mentioned in Clauses (i)(ii) and (iii) which also include erected buildings owned by any person other than the holder of the minor inam. Insofar as building situated within the limits of minor inam (to which the Act is applicable) and which was owned immediately before the date of vesting by the holder of the minor inam, shall with effect on and from such date, vest in the holder of the minor inam. Section-7 protects the buildings from the vesting. Similarly Section-9, protection is given to the erected buildings owned by any person other than the inamdar. Section 10 deals with



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

determination of claims under Sections 4, 5, 6, 7, 8 and 9. Sections 4, 5, and 6 relate to permanent tenant, kadim tenant and quasi permanent tenant. Sections 7 and 9 relate to the rights of the holder of a minor inam and of the inamdar whose inam has vested in the State. In view of the exclusion of the building for registration, Section-10 will not be applicable in respect of building owned by private persons prior to the coming into force of the Act. Section-12 also clearly mentions that every private building other than the buildings which vest under Sections 7 and 9, situated within the limits of an inam shall, with effect on and from the date of vesting, vest in the person who owned it immediately before that date. That means, the private buildings owned by the persons immediately before the Act came into force, it will vest with such person. The reading of Sections 7, 9, 10 and 12 abundantly make it clear that a building erected before coming into force of the Act would vest in a person who owned it or vest in the holder of the minor inam or inamdar as the case may be. The protection given under Sections - 7, 9, 10 and 12 clearly emphasizes that the rights as far as buildings are concerned, they do not get extinguished consequences of abolish of the inam as they vest in the person or the inamdar as the case may be. If that is so, the consequence of vesting of inam in the State, will not affect the building erected on inam land. The Act has protected the building whether owned by private person or of the holder of minor inam or the inamdar. In view of this, the question as to whether the building is vested or not does not arise. The jurisdiction of



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

the Tribunal is only in respect of the dispute relating as to whether the building other than the building referred under Sections 7 and 8 situated within the limits of inam, and only such question as required under Section 12 of the Act required to be decided and other questions. However it is not the case of the defendant that the building in question other than the building vested under Sections 7 and 9 or the dispute is in respect of vesting.

18. Defendants claim that the Civil Court has no jurisdiction. Section-9 of CPC excludes the jurisdiction of the Civil Court only in case if it is expressly or by implication is barred. It is not the case of the defendants that a claim of mortgage could be adjudicated by the Tribunal nor the title which is already vested in the plaintiff gets divested and requires to be redetermined once again. When no occupancy rights are required to be conferred on a owner of a building as on the date of vesting, the question of determination of his rights by the Tribunal also does not arise and it is not a rival claim by two persons in respect of such property to attract the provisions of Section-12 of the Act. As such from the reading of these provisions, in my view, the jurisdiction of the Civil Court in this case is not ousted.

19. As for as the decision of this Court in Manikyam's case is concerned, learned Single Judge of this Court relying on the decision reported in 1964 (2) Mys. LJ 444 in a matter of Kempamma v. S. Kempamma alias Kempaiah has held that the Civil Court is ousted to



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

decide the question of land vested in the Government Kempamma's case which is referred to and followed in Manikyam's case is a case dealing with the grant of occupancy rights in favour of permanent tenant under Section-5. Sections-4, 5 and 6 deal with grant of occupancy rights in favour kadim tenant, permanent tenant and quasi permanent tenant. All these provisions referred to grant of occupancy rights in respect of lands and not in respect of buildings. Though the 'land' is not defined under the provisions of the Act, but the 'land' is defined under the provisions of the Karnataka Land Revenue Act. The Division bench was dealing with the vesting of the land and not vesting of the building. As such there was no such issues before the Division Bench in Kempamma's case. In view of the provisions of Section 7 to 9, 10 and 12 and reading of the provisions of Sections 4, 5 and 6, clear distinction is drawn by the Legislature in regard to consequent of vesting, granting of occupancy rights and vesting of building erected by private persons. If that is so, when the provisions are very clear, I find the dispute of this nature and issue framed by the trial Court do not involve any question which require to be determined by the Tribunal. On consideration of these provisions, I find that the jurisdiction of the Civil Court is not ousted to decide the issues involved in this case. Accordingly, I answer both the issues in favour of the plaintiffs and I find there is no merit in the contentions of the learned counsel for the appellants. Accordingly, I pass the following order..



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

20. *Appeal fails and same is dismissed.*
However, no order as to costs of this appeal."

22. Following the aforementioned judgments, it is to be declared that, after the promulgation of 1954-Act, the subject land vested with the State Government and as such, M. Krishnareddy made an application seeking re-grant of land and accordingly, the competent authority granted occupancy rights in favour of M. Krishnareddy in terms of the provisions under the 1954-Act. Therefore, as the land was vested with the State Government as per Section 3 of 1954-Act, being an Inam land, any subsequent registered instruments/contracts are hit by Section 3(1)(b) of the 1954-Act. Therefore, all subsequent transactions would become void and accordingly, the petitioners cannot seek benefit under the subsequent registered Sale Deed dated 26th September, 1958 wherein, H.M. Devappa purchased the land from M. Krishnareddy. In that view of the matter, I am of the opinion that the contentions of learned Senior Counsel appearing for petitioners cannot be accepted.

23. Having heard the learned counsel appearing for the parties, as to the possession of the subject land, admittedly



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

H.M. Devappa made an application seeking occupancy right under the 1954-Act in respect of Survey No.115/1, Survey No.115/2, Survey No.116/1 and Survey No.116/2 of Kodihalli Village, however, it is to be noted that the said H.M. Devappa did not made an application in respect of the subject land bearing Survey No.124/2 of Kodihalli Village. If at all, the said H.M. Devappa was in possession of the land bearing Survey No.124/2 of Kodihalli Village, there was no impediment for him to make an application seeking occupancy right in respect of subject land bearing Survey No.124/2 along with the remaining land bearing Survey No.115/1, Survey No.115/2, Survey No.116/1 and Survey No.116/2 of Kodihalli Village. In that view of the matter, I find force in the arguments advanced by learned Senior Counsel Sri. M.R. Rajagopal appearing for the respondent No.5. In this regard, it is relevant to cite the paragraphs 18 to 21 in the case of **SHIDRAMAPPA BHEEMAPPA ASANGI** (supra), which reads as under:

18. By Section 4 of the KVOA Act, the legislature abolished the village offices together with incidents thereof with effect from the appointed date i.e. 1.2.1963. This section reads as under.-



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

4. Abolition of village offices together with incidents thereof: -Notwithstanding anything in any usage, custom, settlement, grant, agreement, Sanad, or in any decree or order of a Court, or in an existing law relating to village offices, with effect on and from the appointed date,-

(1) all village offices shall be and are hereby abolished;

(2) all incidents (including the right to hold office and the emoluments attached thereto, the right to levy customary fees or perquisites in money or in kind and the liability to render service) appertaining to the said village offices shall be and are hereby extinguished;

(3) subject to the provisions of Section 5, Section 6 and Section 7, all land granted or continued in respect of or annexed to a village office by the State shall be and is hereby resumed, and shall be subject to the payment of land revenue under the provisions of the Code and the rules and orders made thereunder as if it were an unalienated land or ryotwari land.

19. *It is not in dispute that late Siddanagouda, being the Watandar under the Watans Act, was the holder of 'Village Office' as defined under Clause (a) of Section 2 of the KVOA Act and he was holding and enjoying the lands in question only as 'emoluments'. By keeping in view the law declared by the Supreme Court in Deshpande's case (supra), at no point of time any indefeasible title had been conferred on the Watandar under the Watans Act, which was the 'existing law' relating to the said village office. This being the legal state of affairs regarding the lands held by the Watandar as the emoluments, resumption of lands under sub-section (3) of Section 4 of the KVOA Act, on abolition of village offices and extinction of emoluments attached thereto under Clause (1) and (2)*



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

of the said Section can lead to only one irresistible conclusion to the effect that the lands attached to the village office which were always the property of the Government had because of legislative declaration reverted back to the Government on the appointed date i.e. 1.2.1963. It was only keeping in view this aspect, that the Constitution Bench of the Supreme Court in Deshpande's case (supra) had held that:—

"It must be remembered that the power which the State Government always possessed by the clearest implication of Section 22 of the Bombay Hereditary Offices Act, 1874, of resumption is statutorily enforced by Section 3 in respect of the Paragana and Kulkarni Watans. The State Government having the power to abolish a Watan office, and to resume land granted as remuneration for performance of the duties attached to the office was not obliged to compensate the Watandar for extinction of his rights".

20. *From the above discussion, it is clear that after resumption of land on 1.2.1963 which was merely held as emoluments by the erstwhile Watandar he ceased to have any right or interest in the property and therefore, he had no authority to transfer the lands and therefore the lease agreement dated 9.2.1970 was ab initio void. As such, taking of possession of the lands in question by the petitioner pursuant to the said lease was clearly unauthorised.*

21. *In view of the above provisions and the facts as found, it is clear that on 1.3.1974, even if the petitioner was in possession of the lands, he could not have claimed*



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

any occupancy right therein in terms of Section 45 of the KLR Act because he was not in lawful possession thereof as has been found even by the appellate authority. Therefore, the Land Tribunal as well as the appellate authority cannot be said to have committed any error in holding that the application filed by the petitioner for grant of occupancy rights under Section 48 of the KLR Act was not entertainable. So far as reliance placed on the judgment of the Supreme Court in the R. Rudraiah's case (Supra) is concerned, in our opinion, that judgment cannot be of any help in the present case since it was not related to Watan Property. Similarly, the doctrine of 'feeding the grant by estoppel' can also have no application since that doctrine is based on certain equitable considerations. But, sub-section (3) of Section 5 of the KVOA Act clearly prohibits transfer of lands for a period of 15 years with effect from 7.8.1978. If the doctrine of 'feeding the grant by estoppel' is permitted to be applied in the present case, then the consequence thereof will be clearly defective of the legislative intendment contained under Section 5(3) of the KVOA Act. It is well settled that the legislative provisions has to have precedence over the equity principles contained under Common Law."

24. Therefore, following the law declared by this Court in the aforementioned judgments, I am of the view that the judgments relied upon by the learned Senior Counsel appearing for petitioners Sri. Udaya Holla, as to the Section 27 of the



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

Limitation Act as well as Section 43 of the Transfer of Property Act cannot be made applicable to the facts of the case on hand. It is also to be noted that, the contention of learned Senior Counsel appearing for petitioners that the subject land comes within Corporation limits and as such Karnataka Land Revenue Act is not applicable to the facts of the case hand and the Revenue Authorities have no jurisdiction, I am of the view that the said argument cannot be accepted on the ground that the parties are claiming right over the property based on the registered Sale Deeds as well as the Re-grant order under the 1954-Act. Therefore, the judgment referred to by learned Senior Counsel Sri. Uday Holla, appearing for petitioners cannot be accepted in the facts and circumstances of the case.

25. It is pertinent to mention here that, Hon'ble Supreme Court in the case of **BALAWANT SINGH AND ANOTHER vs. DAULAT SINGH (DEAD) BY LRS. AND OTHERS** reported in (1997)7 SCC 137 held that the mutation of property in revenue records neither creates nor extinguishes title to the property nor has it any presumptive value of title and such entries are relevant only for the purpose of collecting



CNR: KAHC010406312021

NC: 2026:KHC:48129
WP NO.19834 OF 2021
C/W
WP NO.19907 OF 2021

land revenue. The aforementioned dictum was reiterated by the Hon'ble Supreme Court recently in the case of **VADIYALA PRABHAKAR RAO AND OTHERS vs. THE GOVERNMENT OF ANDHRA PRADESH AND OTHERS** reported in 2026 INSC 450. Applying the aforementioned principles to the case on hand, I am of the view that, no interference be called for in these petitions as there is no perversity in the orders passed by the respondent-Authorities. However, it is open for the parties to establish their right over the subject land in a manner known to law. Accordingly, Writ Petitions are **dismissed**.

SD/-
(E.S.INDIRESH)
JUDGE

ARK
List No.: 1 Sl No.: 107