



CNR: KAHC010423272018

NC: 2026:KHC:47250
WP No. 28044 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO.28044 OF 2018 (LR)

BETWEEN:

1. N. KRISHNAMURTHY
S/O LATE A. NANJAPPA,
SINCE DECEASED, REP. BY LRS.
- 1(a). SMT. LAKSHMAMMA
W/O LATE N. KRISHNAMURTHY,
AGED ABOUT 75 YEARS,
R/AT ADAKAVALA VILLAGE,
SASALU HOBLI,
DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT - 561 203.
- 1(b). SMT. SHANTHAMMA K.
D/O LATE N. KRISHNAMURTHY,
W/O H.M. SHIVAPPA,
AGED ABOUT 60 YEARS,
R/AT HALUGONDANAHALLI VILLAGE,
URDIGERE HOBLI,
TUMAKURU TALUK,
TUMAKURU DISTRICT - 572 140.
- 1(c). SMT. T.K. GIRIJA @ VANAJA K.
W/O LATE K. RAJASHEKARAIHAH
AGED ABOUT 46 YEARS,
R/AT NO.999/3, MARUTHINAGAR
OPP. KEB, VIJAYAPURA,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 135.

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Location: HIGH
COURT OF
KARNATAKA



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1(d). SRI. MANJUNATH
S/O LATE N. KRISHNAMURTHY,
AGED ABOUT 49 YEARS,
R/AT ADAKAVALA VILLAGE,
SASALU HOBLI,
DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT - 561 203.

.....PETITIONERS

(BY SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR
SRI. KESHAVARAO MOHITHE V., ADVOCATE AND
SRI. NARAYAN M. NAIK, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. THE LAND TRIBUNAL
DODDABALLAPURA TALUK,
DODDABALLAPURA TOWN,
BENGALURU RURAL DISTRICT - 561 203.
3. SECRETARY
NAGUVANAHALLI VILLAGE PANCHAYATH,
KASABA HOBLI,
SRIRANGAPATNA TALUK - 561 203.
(V/O DATED 19.09.2018,
RESPONDENT NO.3 - DELETED)
4. SMT. SAKAMMA
W/O LATE A.V. THIMMAPPAGOWDA,
AGED ABOUT 60 YEARS.
5. SRI. SHIVAKUMAR
S/O LATE A.V. THIMMAPPAGOWDA,
AGED ABOUT 40 YEARS.



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RESPONDENTS 4 AND 5 ARE
R/AT #75, BAHUBALI NAGAR
JALAHALLI VILLAGE AND POST
BENGALURU NORTH TALUK
BENGALURU-560013.

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA FOR R1 AND R2;
SRI. ASHOK HARANAHALLI, SENIOR COUNSEL FOR
SRI. OMKARA N., ADVOCATE FOR R4 AND R5;
V/O DATED 19.09.2018, R3 – DELETED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDER PASSED BY THE RESPONDENT NO.2-LAND
TRIBUNAL, DODDABALLAPURA TALUK IN CASE
NO.LRF/114/1975-76 DATED 23RD MARCH, 2018 VIDE
ANNEXURE-A; AND ETC.

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

CAV ORDER

In this writ petition, the petitioners being a legal
representatives of deceased original petitioner-N.
Krishnamurthy are challenging the order dated 23rd March,
2018 (Annexure-A) passed by the respondent No.2-Land
Tribunal in Case No.LRF/114/1975-76.

2. Relevant facts for adjudication of this writ petition
are that the original petitioner viz., N. Krishnamurthy had taken



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on lease the land bearing Survey No.50/8 measuring 4 acre 10 guntas situate at Adakavala Village, Doddaballapura Taluk from its owner *viz.*, Veeranna and cultivating the same and was paying Vara to the landlord. It is the case of the petitioner that the name of the petitioner is reflected in the revenue records in respect of the subject land and as such, he filed Form No.7 seeking occupancy rights before the respondent No.2-Land Tribunal in case No.114/1975-76. Thereafter, the respondent No.2-Land Tribunal, by order 02nd February, 1977, granted occupancy right in favour of the petitioner *viz.*, N. Krishnamurthy and same was challenged before this Court in Writ Petition No.5511/1977, which came to be allowed on 18th July, 1978 and matter was remanded to the respondent No.2-Land Tribunal for fresh consideration. In furtherance of the same, the respondent No.2-Land Tribunal, rejected the claim made by the petitioner and same was challenged before this Court in Writ Petition No.22041 of 1994, which culminated in Writ Appeal No.8198 of 1999 and Division Bench of this Court, by order dated 05th February, 2003 (Annexure-B), remanded the matter to the Land Tribunal for fresh consideration.



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3. It is further case of petitioner that the petitioner was cultivating the land in question as a tenant and name of the petitioner N. Krishnamurthy is reflected in the revenue records right from 1970-71 to 1973-74. It is also stated that, as per RTC extracts for the year 1993-94 and also for the year 2001-02 onwards, at column No.9 of the RTC extracts, the name of A. Veeranna S/o Veerabhadraiah is shown as owner of the land. It is the grievance of the petitioner that the respondent No.2-Land Tribunal, by order dated 23rd March, 2018 (Annexure-A) rejected the application made by the petitioner. Being aggrieved by the same the present petition is filed.

4. Heard Sri. D.R. Ravishankar, learned Senior Counsel on behalf of Sri. Keshavara Rao Mohithe V. and Sri. Narayan M. Naik, appearing for petitioners; Smt. B.P. Radha, learned Additional Government Advocate appearing for respondents 1 and 2; and Sri. Ashok Haranahalli, learned Senior Counsel on behalf of Sri. Omkara N., appearing for the respondent No.4.



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5. Sri. D.R. Ravishankar, learned Senior Counsel appearing for petitioners contended that the finding recorded by the respondent No.2-Land Tribunal in the impugned order is contrary to law, since, the wife of the landlord Veeranna *viz.*, Sanjeevamma admits the cultivation of the petitioner as a tenant and said aspect of the matter was ignored by the respondent No.2-Land Tribunal. Accordingly, learned Senior Counsel sought for interference of this Court.

6. By referring to the order sheet of the respondent No.2-Land Tribunal, particularly to the order dated 02nd February, 1977, it is submitted by learned Senior Counsel appearing for petitioners that the respondent No.2-land Tribunal had recorded the statement of Sanjeevamma, however, the Land Tribunal has not considered the ingredients of conferment of occupancy rights under Section 44(1) of the Karnataka Land Reforms Act.

7. It is also submitted by learned Senior Counsel appearing for petitioners that, since the RTC extracts for the relevant period i.e., on 01st March, 1974 stipulates the name of the petitioner as a tenant, interference of this Court is required



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in the present petition. Finally, it is argued that the finding recorded by the respondent No.2-Land Tribunal that the said Veeranna was not a owner of the land in question in view of execution of the Gift Deed dated 18th January, 1987 in favour of A.V. Thimmappa Gowda, Minor, Rep. by N. Chandrashekar and the mutation entry has been effected in the name of A.V. Thimmappa Gowda as per M.R.1/1994-95, which is misnomer and contrary to records as the petitioner was in cultivation of land as on 01st March, 1974. Accordingly, sought for interference of this Court.

8. In this regard, learned Senior Counsel appearing for the petitioners referred to the judgment of this Court in the case of **GOPAL RAO vs. LAND REFORMS TRIBUNAL, BASAVAKALYAN AND ANOTHER** reported in 1978 SCC OnLine KAR 285 and contended that the finding recorded by the respondent No.2-Land Tribunal in the impugned order requires to be set-aside.

9. Per contra, Sri. Ashok Harnahalli, learned Senior Counsel appearing for respondents 4 and 5 contended that, Form No.7 (Annexure-R4) was filed by the petitioner-N.



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Krishnamuthy, based on the mutation entries wherein, it is stated that, Veeranna was stated to be the landlord in respect of the land in question. It is further argued by learned Senior Counsel appearing for respondents 4 and 5 that, as per the genealogy of the parties, petitioner is the nephew (brother's son) of A. Veeranna and therefore, he cannot file Form No.7 seeking occupancy right. It is also argued that, Sanjeevamma had deposed before the Land Tribunal that, she was cultivating the land in question after the demise of Veeranna.

10. Learned Senior Counsel appearing for respondents 4 and 5 further contended that the Division Bench of this Court in Writ Appeal No.8198 of 1999 was pleased to remit the matter with limited scope as to produce any further evidence in the matter in respect of cultivation of the subject land by the petitioner N. Krishna Murthy and therefore, the Land Tribunal, after considering the material on record, has rightly arrived at a conclusion that, as on the date of making application in Form No.7, the said Veeranna was not the landlord of the subject since the same was gifted to A.V. Thimmappa Gowda. Accordingly, learned Senior Counsel argued that, as the



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petitioner has shown the wrong person as the landlord in Form No.7, the impugned order passed by the respondent No.2-Land Tribunal is just and proper, which does not call for interference before this Court.

11. By referring to order dated 09th September, 1999 (Annexure-R19) passed in Writ Petition No.22041/1994 particularly to paragraph No.4, it is contended by learned Senior Counsel Sri. Ashok Haranahalli that the claim made by the petitioner cannot be accepted and as such, sought for dismissal of the petition.

12. Smt. B.P. Radha, learned Additional Government Advocate appearing for respondents 1 and 2 produced the original records secured from the respondent No.2-Land Tribunal and sought for dismissal of the petition.

13. In the light of submission made by learned counsel appearing for the parties, on careful consideration of genealogical tree produced by the parties, it is forthcoming that the subject land is belonged to A. Veeranna and the petitioner N. Krishnamurthy is a nephew (brother's son) of said A.



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Veeranna. It is also forthcoming from perusal of Annexure-R4 that the petitioner filed Form No.7, seeking occupancy right in respect of the subject land, reflecting the name of the landlord as A. Veeranna. It is pertinent to mention here that the said A. Veranna executed Gift Deed in favour of A.V. Thimmappa Gowda, Minor, Rep. by N. Chandrashekar on 18th January, 1971, however, the mutation in favour of A.V. Thimmappa Gowda was effected during the year 1994 as per M.R. No.1/1994-95 (Annexure-R11). It is also forthcoming from the records that the name of A. Veerana was shown at column No.9 in the RTC records during the year 1970-71 and the name of the petitioner was shown during the year 1971-72. Perusal of the RTC for the year 1973-74 reflects the name of cultivator at column No.9 as -Ditto-. However, on perusal of the order dated 05th February, 2003 (Annexure-B) passed in Writ Appeal No.8198 of 1999, it is forthcoming that the Division Bench of this Court at paragraph No.3, was pleased the remand the matter to the Land Tribunal to provide opportunity to the parties to lead further evidence, if any. In this regard, it is relevant to cite the judgment of this Court in the case of



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KRISHNA BHAT vs. LAND TRIBUNAL, BANTWAL reported
in *ILR 1986 KAR 1574*. Paragraphs 11 and 18 reads as under:

"11. Section 2 is the definition section. Sub-section (18) defines 'land' means agricultural land that is to say, land which is used or capable of being used for agricultural purposes or purposes subservient thereto and includes horticultural land, forest land, garden land, pasture land, plantation and tope but does not include house site, or land used exclusively for non agricultural purposes. Sub-section (32A) stipulates that 'Tahsildar' includes a Special Tahsildar empowered by the State Government to exercise all or any of the powers of the Tahsildar under the Act. Sub-section (33) defines 'tenancy' means the relationship of landlord and tenant. Sub-section (34) defines 'tenant' means an agriculturist who cultivates personally the land he holds on lease from a landlord and includes (i) a person who is deemed to be a tenant under Section 4; (ii) a person who was protected from eviction from any land by the Karnataka Tenants (Temporary Protection from Eviction) Act, 1961; (iia) a person who cultivates personally any land on lease under a lease created contrary to the provisions of Section 5 and before the date of the commencement of the amendment Act; (iii) a person who is a permanent tenant and (iv) a person who is a protected tenant. Sub-section (35) defines 'Tribunal' means the tribunal constituted under Section 48 of the Act.



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Section 44 provides for vesting of all lands held by or in the possession of tenants immediately prior to the date of commencement of the Amendment Act with effect on and from the said date in the State Government.

Section 45 provides for registering tenants as occupants of lands on certain conditions. It stipulates that every person who was a tenant in respect of the land before the date of vesting and which he has been cultivating personally is entitled to be registered as an occupant subject to the provisions of the other Section in Chapter III.

Section 48 provides for constitution of the Tribunals Sub-section (1) stipulates that there shall be a Tribunal for each Taluk consisting of the Assistant Commissioner of the Revenue Sub-Division having jurisdiction over the Taluk or an Assistant Commissioner specially appointed for the purpose by the State Government and four other members to be nominated by the State Government of whom at least one shall be a person belonging to Scheduled Caste or Scheduled Tribe. Provision is also made for constituting additional Tribunals for any Taluk. Sub-section (2) stipulates that the Assistant Commissioner shall be the Chairman of the Tribunal. Sub-section (7) provides that the Tahsildar or any officer specially appointed for the purpose by the State Government shall be the Secretary of the Tribunal.

Section 48A deals with enquiry by the Tribunal. Sub-section (1) provides that every person entitled to be



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registered as an occupant under Section 45 may make an application to the Tribunal within the period stipulated therein. Sub-section (2) stipulates publication of the public notice calling upon the landlord and all other persons having an interest in the land to appear before it on the date specified in the notice. It further provides that the tribunal shall also issue individual notices to the persons mentioned in the application and also to such others as may appear to it to be interested in the land. Sub-section (3) contemplates that the form of the application, the form of the notices, the manner of publishing or serving the notices and all other matters connected therewith shall be such as may be prescribed. It further provides that the Tribunal may for valid and sufficient reasons permit the tenant to amend the application. Sub-section (4) provides that the Tribunal may after such verification as it considers necessary by order either grant or reject the application, where no objection is filed to the claim. Sub-section (5) stipulates that where an objection is filed disputing the claim or setting up a rival claim, the Tribunal shall hold an enquiry and determine by order the person entitled to be registered as occupant and pass orders accordingly. Sub-section (5A) provides that where there is no objection in respect of any part of the claim, the Tribunal may at once pass orders granting the application as regards that part and proceed separately in respect of the other part objected to. Sub-section (6) stipulates that the order of the Tribunal shall be final and it shall send a copy of every order passed by it to the Tahsildar and parties concerned.



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Sub-section (8) stipulates that where no application is made within the time allowed under sub-section (1), the right of any person to be registered as an occupant shall have no effect.

Section 48B deals with the powers of the Tahsildar to determine the amount payable under Section 47, whereas Section 50 deals with his power in determining the encumbrances and payment of the amount while determining the amount payable under Section 48B.

Section 55 empowers the Tahsildar to issue certificate of registration in favour of the tenant subject to such rules as may be prescribed.

Section 112(A) lays down the duties of the Tahsildar and Section 112(B) lays down the duties of the Tribunal. Section 133 confers exclusive jurisdiction to the Tribunal to decide whether the land is or is not agricultural land and whether the person claiming to be in possession is or is not a tenant of the said land from prior to 1st March 1974 and when such questions arise in any suit, case or proceedings concerning a land before a Civil or Criminal Court or Officer or Authority, the question shall be referred to the Land Tribunal and the Tribunal shall decide the question so referred to it and communicate its decision to such Court, Officer or Authority.

Rule 19 of the Karnataka Land Reforms Rules, 1974 (for short the 'Rules') prescribes the form of application under Section 48A and the notice. Rule 19(1) lays down that the application under sub-section (1) of Section 48A



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shall be in Form-7. It further stipulates that the application shall furnish particulars of all the lands held under each separate tenancy in one or more than one Taluk in respect of which the applicant claims to be entitled to be registered as an occupant and where the lands are situated in more than one Taluk, the application shall be filed before the Tribunal of the Taluk where the greater part of the lands are situated and on receipt of such application, the Tahsildar shall send the extracts of the application to the Tribunals concerned and in so far as the lands in his Taluk are concerned, he shall verify the particulars mentioned in the application with reference to the revenue records, including the record of rights wherever they are prepared and also note the same on the application. It further stipulates that the public notice and the individual notice referred to in sub-section (2) of Section 48A shall be in Form-8 and Form-9 respectively.

Rule 17 provides the procedure to be followed by the Tribunal. Sub-rule (1) contemplates that the procedure to be followed in respect of the applications made to the Tribunal is as specified for a summary enquiry under Section 34 of the Karnataka Land Revenue Act, 1964. Sub-rule (4) stipulates that the progress in the enquiry of each case shall be noted by the Chairman immediately after hearing or the holding of the spot inspection by the Tribunal. Sub-rule (5) provides that the opposite party shall be allowed to cross-examine the witness and if he does not wish to cross-examine, a note shall be made



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accordingly and further a brief summary of the evidence given by such witness shall be recorded by the Chairman.

Rule 21 provides that the Certificate of Registration of a tenant as an occupant of land shall be in Form-10 and Rule 21C provides that immediately on receipt of the final orders passed by the Tribunal under Section 48A conferring occupancy right to a tenant, the Tahsildar shall issue a certificate to such tenant that he has been registered as an occupant.

Rule 24 provides for enquiry by Tahsildar and it lays down that on receipt of a declaration under Section 66, the Tahsildar shall verify the correctness of the particulars furnished therein with reference to the entries in the record of rights, other documents if any produced and by making such local enquiry and inspection as he considers necessary either by himself or through any officer of the Revenue Department not lower in rank than of a Revenue Inspector.

Rule 44 stipulates that Tahsildar shall maintain certain registers. Sub-rules (1C) and (1D) proscribe the registers to be maintained in connection with the proceedings under Section 48A. These sub-rules came into effect from 12-6-1980.

Form-7 is the form prescribed for making an application under Section 48A(1) for registration of occupancy right. Among other things, the applicant is required to furnish the name of the landlord and his address, the survey number, sub-division number and the



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extent of the land in respect of which occupancy right is claimed, together with the assessment, the village and taluk in which the land in question is situated and the period for which the applicant has been cultivating the said land as tenant.

Public notice in Form-8 and the individual notice in Form-9 shall be issued by the Secretary of the Tribunal in which among other things, the description of the lands in respect of which claim was made shall also be given.

12. xxxxx

13. xxxxx

14. xxxxx

15. xxxxx

16. xxxxx

17. xxxxx

18. The two conditions laid down in Section 45 for registration of occupancy right are that the person claiming registration was a tenant of the land before the date of vesting and which he has been cultivating personally. The precondition for the operation of Section 45 is that the land in question was vested in the State Government under Section 44 of the Act. In Balesharam v. Land Tribunal, Chikodi [1978 (1) K.L.J. 116.] the Full Bench of this Court, while explaining the scope of Sections 44 & 45 observed that the land held by a person in his capacity as a tenant immediately prior to the date of commencement of the Amendment Act, 1974, which was not in his actual possession before the said date, also stood transferred to and vested in the State



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Government under Section 44(1) if the land is not held by him under a lease permitted by Section 5 of the Act, that the land must have been tenanted immediately prior to 1st March 1974 and not at any time in the past and that the person claiming occupancy right must have been a tenant of any of the classes stipulated in sub-section 1 of Section 45 and such person must have been personally cultivating the land immediately before 1st March 1974 and that the primary requirement for registration of occupancy rights therefore is that the person claiming such right must have been cultivating the land personally immediately prior to 1st March 1974 and if he was then out of possession by wrongful or illegal Act of others, he cannot be registered as an occupant merely on proof that the land was tenanted and so vested in the State Government. However, it was emphasized that if the tenant who was lawfully entitled to cultivate the land personally immediately prior to 1st March 1974 but was wrongfully or illegally prevented from doing so, he may take recourse to any one of the remedies provided under the Act to recover possession from the unauthorised occupant and request the Tribunal to defer consideration of his application till the possession of the land is restored to him and if he recovers possession in accordance with law, he may then ask the Tribunal to proceed with his application on the merits and when possession is so recovered, the Tribunal has to proceed on the basis that the tenant must be deemed to have been personally cultivating the land from the date of his dispossession till the date of restoration of possession."



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14. Applying the two conditions laid down under Section 45 of the Karnataka Land Reforms Act, for registration of occupancy right are that the person claiming registration of occupancy right was a tenant of the land before the date of vesting of the land with State Government and which, he has been shown as cultivating the land personally. The pre-condition for conferring of occupancy right under Section 45 of the Karnataka Land Reforms Act is that the land in question was to be vested in the State Government under Section 44 of the Karnataka Land Reforms Act. On careful consideration of the aforementioned aspect, there is no finding by the respondent No.2-Land Tribunal as to the vesting of the land, which is a principal ingredient to confer occupancy right. Therefore, the finding recorded by the Land Tribunal requires to be interfered with in this petition.

15. It is also relevant to cite the judgment of this Court in the case of **GAJANAN MAHADEV HEGDE VS RAMAKRISHNA JATTI NAIK** reported in *ILR 1985 KAR 3490*, wherein, paragraph 13 reads as under:



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13. Then both the advocates Vinod Prasad and Sri C. N. Naik, appearing for the judgment-debtors, relied on Section 44 of the Land Reforms Act and contended that the lands had become vested in the State Government and thus the permanent injunction decree passed in O.S. 245 of 1957 had become ineffective, null and void and inexecutable and thus unenforceable. Section 44 of the Land Reforms Act reads, as :

"Vesting of land in the State Government.-(1) All lands held by or in the possession of tenants (including tenants against whom a decree or order for eviction or a certificate for resumption is made or issued) immediately prior to the date of commencement of the Amendment Act, other than lands held by them under leases permitted under Section 5, shall, with effect on and from the said date, stand transferred to and vest in the State Government.

(2) Notwithstanding anything in any decree or order of or certificate issued by any Court or authority directing or specifying the lands which may be resumed or 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 ensue, namely : --

(a) all rights, title and interest vesting in the owners of such lands and other persons interested in such lands shall cease and be vested absolutely in the State Government free from all encumbrances;

(b) amounts in respect of such lands which become due on or after the date of vesting shall be payable to the State Government and not to the land owner, landlord, or any other



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person and any payment made in contravention of this clause shall not be valid :

(c) all arrears of the land revenue, cessess, water rate or other dues remaining lawfully due on the date of vesting in respect of such lands shall after such date continue to be recoverable from the land-owner, landlord or other person 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 from the amount payable to any person under this Chapter ;

(d) no such lands shall be liable to attachment in execution of any decree or other process of any Court and any attachment existing on the date of vesting and any order for attachment passed before such date in respect of such lands shall cease to be in force ;

(e) the State Government may, after removing any obstruction which may be offered, forthwith take possession of such lands ;

Provided that the State Government shall not dispossess any person of any land in respect of which it considers, after such enquiry as may be prescribed, that he is prima facie entitled to be registered as an occupant under this Chapter;

(f) the land-owner, landlord and every person interested in the land whose rights have vested in the State Government under Clause (a), shall be entitled only to receive the amount from the State Government as pro-vided in this Chapter;

(g) permanent tenants, protected tenants and other tenants holding such lands shall, as against the State Government, be entitled only to such rights or privileges and shall be subject to such conditions as are provided by or under this Act ; and any other rights and privileges which may have accrued to them in such lands before the date of vesting against the landlord or other person shall cease and determine and



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shall not be enforceable against the State Government."

Therefore, a reading of the said Section makes it abundantly clear that if the tenants have continued to be in possession of the property notwithstanding the order for eviction or certificate for resumption having been issued, still the lands would vest in the State Government. If the tenant, by virtue of a decree or order for eviction or by virtue of a certificate for resumption, has been dispossessed and if the landlord has been put in possession of the property, prior to the coming into force of the Karnataka Land Reforms Act, Section 44 will not come into picture at all. Section 44 would come into picture only if the tenant, notwithstanding the decree or order for eviction or issue of a certificate for resumption, has continued to be in possession of the land in question. It is not even the case of the present judgment-debtors that they have become tenants of the properties after the decree-holders took possession of the lands through the Tahsildar in pursuance of the order in the tenancy case.

16. Following the aforementioned judgments of this Court, I am of the view that the reasons assigned by the respondent No.2-Land Tribunal is not conformed to the ingredients for conferment of occupancy right under the Karnataka Land Reforms Act. Therefore, it is a fit case to



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remand the matter to the respondent No.2-Land Tribunal.

Accordingly, I pass the following:

ORDER

- i) Writ Petition is ***allowed***;
- ii) Order dated 23rd March, 2018 (Annexure-A) passed by the respondent No.2-Land Tribunal, Doddaballapura Taluk in Case No.LRF.114/1975-76 is hereby set-aside; and matter is remanded to the respondent No.2-Land Tribunal for reconsideration afresh and to pass appropriate orders in accordance with law;
- iii) Parties are directed to appear before the Land Tribunal on ***16th October, 2026 at 03.00 p.m.*** without awaiting for any further notice.

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

ARK
List No.: 1 Sl No.: 58