



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT APPEAL NO. 963 OF 2023 (LR)

BETWEEN:

SRI. KRISHNAPPA
S/O LATE RANGASHAMAPPA,
AGED ABOUT 69 YEARS,
RESIDING AT DHARMAPURA,
VIJAYAPURA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 560 045.

...APPELLANT

(BY SRI. VIJAYA N. ARADHYA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
REVENUE DEPARTMENT,
M S BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE ASST. COMMISSIONER
DODDABALLAPUR SUB-DIVISION,
TV TOWER, BENGALURU - 560 001.
3. SMT. NAGARATHNAMMA @ RATHNAMMA
W/O K RAJANNA,
AGED ABOUT 62 YEARS,
R/AT NO. 167,
DEVANAHALLI MAIN ROAD,
BENGALURU - 560 045.

...RESPONDENTS

(BY SRI. KHAMROZ KHAN, AGA FOR R1 AND R2 - STATE;
SRI. P.N. NANJAREDDY, ADVOCATE FOR R3)

Digitally
signed by
ANJALI M
Location:
High Court
of Karnataka



THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET-ASIDE THE ORDER PASSED ON 10/10/2022 BY THE LEARNED SINGLE JUDGE IN WP NO.40099/2012 AND ETC.,

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

Heard the learned counsel for the appellant, the learned Additional Government Advocate appearing for the official respondents, as well as the learned counsel appearing for the private respondent.

2. The appeal is filed challenging the order of the learned Single Judge insofar as it refuses to interfere with the order of the Karnataka Appellate Tribunal (hereinafter referred to as "**KAT**"), which held that the appellant is not entitled to occupancy rights in respect of the properties bearing Sy. Nos.1/2 measuring 2 acres, 1/3 measuring 2 acres, and 1/8 to an extent of 38 guntas of Dharmapura Village, Vijayapura Hobli, Devanahalli Taluk.



3. The learned counsel for the appellant submits that the appellant has been in possession of the properties in question since 1973. However, it is contended that, as the appellant was illiterate, his name was not entered in the RTC in the occupants' column. It is further submitted that a spot inspection was conducted prior to the passing of the orders, during which the neighbouring landholders had specifically stated that the appellant had been in possession of the property for nearly 30 years. The learned counsel submits that, only on account of illiteracy and ignorance, the appellant did not realise the necessity of getting his name entered in the RTC as a cultivating tenant, and that occupancy rights cannot be denied to him on account of such lapse.

4. The learned Additional Government Advocate, on the other hand, points out that the appellant did not have a case that he was the cultivating tenant as on 01.03.1974. Relying upon Annexure-A, namely the application preferred by the appellant under Form No.7A on 10.03.1999, it is contended that the only plea raised therein was to the effect that the appellant had been in possession of the land for the preceding



20 years. It is submitted that, even if the said contention that the appellant had been cultivating the land for 20 years is taken into consideration, since the application was made in the year 1999, the period of possession would relate back only to the year 1979. Consequently, the application could not have been allowed.

5. The learned counsel appearing for the private respondent also contends that the land had never vested in the Government and that, as on 01.03.1974, the name of respondent No.3 was reflected in the RTC, as is evident from Annexure-K.

6. We notice that the learned Single Judge had considered these aspects of the matter and found that the Tribunal had considered the contentions advanced by the parties and arrived at a categorical finding on the facts of the case. The learned Single Judge further held that a finding of fact recorded by the Tribunal cannot be interfered with by this Court in exercise of its powers of judicial review.



7. Having considered the contentions advanced, the nature of the pleadings, and the material on record, we are unable to differ from the view taken by the learned Single Judge. We find that the appeal is devoid of merits and is liable to be dismissed. Accordingly, the appeal is ***dismissed***.

All pending interlocutory applications stand disposed of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

AM
List No.: 1 Sl No.: 6