



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 02ND DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.19731 OF 2023 (LR)

BETWEEN:

THE STATE OF KARNATAKA
REP. BY THE TAHSILDAR,
CHIKKABALLAPUR TALUK,
CHIKKABALLAPUR DISTRICT.

...PETITIONER

(BY SMT. SHARADA H.V., AGA)

AND:

1. THE LAND TRIBUNAL
REP. BY ASSISTANT COMMISSIONER,
CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA DISTRICT.
2. ABDUL RASHID
S/O SHAIK MASTHAN SAB,
SINCE DECEASED, REP. BY LRS.
 - 2(a). SMT. MAKBUL
W/O LATE ABDUL RASHEED,
AGED ABOUT 70 YEARS.
 - 2(b). SRI. WASHEED PASHA
S/O LATE ABDUL RASHEED,
AGED ABOUT 48 YEARS.
 - 2(c). SRI. NAVEED PASHA
S/O LATE ABDUL RASHEED,
AGED ABOUT 45 YEARS.

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CHAYA S A
Location: HIGH
COURT OF
KARNATAKA



2(d). SRI. FARIDH
S/O LATE ABDUL RASHEED,
AGED ABOUT 38 YEARS.

2(e). SRI. WALIBHA
S/O LATE ABDUL RASHEED
AGED ABOUT 32 YEARS.

2(f). SMT. MUBHARAK
D/O LATE ABDUL RASHEED,
AGED ABOUT 40 YEARS.

2(g). SMT. MUBINA
D/O LATE ABDUL RASHEED,
AGED ABOUT 35 YEARS.

RESPONDENTS NO.2(a) TO 2(g) ARE
R/AT AZAD NAGARA
(2ND KARMIKA NAGAR WARD)
KASABA HOBLI,
SIDLAGHATTA TOWN,
CHIKKABALLAPURA DISTRICT - 562 105.

CHINNAPPAIAH
S/O VENKATARAMANAPPA
SINCE DEAD, BY LEGAL HEIRS.

3. SMT. MUNIYAMMA
W/O CHINNAPPAIAH.

4. SMT. ASHWATHAMMA
D/O CHINNAPPAIAH.

5. SMT. SARASWTHAMMA
D/O CHINNAPPAIAH.

6. SMT. VENKATALAKSHMAMMA
D/O CHINNAPPAIAH.

7. SMT. MANJUALAMMA
D/O CHINNAPPAIAH.

8. SRI. SAMPANGIRAMAREDDY
S/O CHINNAPPAIAH.



RESPONDENTS 3 TO 8 ARE
R/AT DODDAPAYYALGURKI GRAMA,
KASABA HOBLI,
CHIKKABALLAPURA TALUK - 562 104.

RAMA RAO
SINCE DECEASED, REP. BY LRS.

9. SRI. ASHWATHNARAYANRAO
S/O S. RAMARAO.
10. SRI. SHIVANNA
S/O LATE S RAMARAO.
11. SRI. HANUMANTHARAO
S/O LATE S. RAMARAO.
12. SRI. NAGARAJA RAO
S/O LATE S. RAMARAO

RESPONDENTS 9 TO 12 ARE
R/AT DODDAPAYYALGURKI GRAMA,
KASABA HOBLI,
CHIKABALLAPURA TALUK - 562 104.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1;
SMT. S. SUSHEELA, SENIOR COUNSEL FOR
SRI. KARTHIK V., ADVOCATE FOR R2(a) TO (g);
V/O DATED 19.08.2024, NOTICE TO R3 TO R12
DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET-
ASIDE THE ORDER DATED 31ST JULY, 2021 PASSED BY THE
RESPONDENT NO.1-LAND TRIBUNAL, CHIKKABALLAPURA
TALUK, CHIKKABALLAPURA IN CASE NO.L.R.M.(A) I.N.M./231-
3/74-75 VIDE ANNEXURE-C; AND ETC.



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

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

ORAL ORDER

In this petition, the petitioner-State is challenging the order dated 31st July, 2021 (Annexure-C) passed by the respondent No.1-Land Tribunal in Case No.L.R.M(A)I.N.M.231-3/74-75.

2. The relevant facts for adjudication of this petition as stated in the writ petition are that, the land in question bearing old Survey No.6 situate at Konogararahalli, Chikkaballapur Taluk measuring 11 acre 16 guntas was classified as Government (Sarkari Kere) and from year-1965 till date, the name of Government has been shown as owner in the RTC. It is also stated in the petition that, during the year 1963-64, one Chinnappaiah @ Venkataramanappa made an application for grant of tenancy under the provisions of Inams Abolition Act before the Inams Special Tahsildar in respect of the land bearing Survey No.6 to an extent of 8 acres and accordingly, case was registered as 3/1964. In pursuant to the same, enquiry was conducted and the application made by the said



Chinnappaiah was rejected on 06th June, 1963. Being aggrieved by the same, appeal was preferred before the competent authority and the competent authority, set-aside the said order dated 06th June, 1963 of original authority and remanded the same to the competent authority for fresh consideration.

3. It is also stated in the writ petition that, one Shaik Masthan Sab @ Abdul Sab filed appeal before the Revenue Appellate Tribunal in Case No.121-122/1969-70 and the said appeal came to be rejected, by order dated 30th April, 1971. It is further stated that the land bearing Survey No.6 has been reclassified as Sarkari Kere and further, Durasti and Phodi was conducted. After the Durasti and Phodi, Re-survey No.15 to 23 was assigned and same was classified as Sarkari Bhagayatu Jameenu. However, in the column No.12 of the RTC, it is mentioned as Shaik Masthan Sab. It is also averred that, by order dated 18th November, 1986, the grant of tenancy right claimed by Shaik Masthan Sab (father of respondent No.2) came to be rejected by the Land Tribunal. Being aggrieved by the same, writ petition was preferred and this Court, by order dated 10th May, 1985, remanded the matter to the Land



Tribunal for fresh enquiry. After remand made by this Court, the enquiry was conducted by the Land Tribunal and impugned order dated 31st July, 2021 (Annexure-C) was passed, conferring the tenancy right in favour of the respondent No.2. Hence, the petitioner-State preferred this petition.

4. Heard Smt. Sharada H.V., learned Additional Government Advocate appearing for the petitioner-State; Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent No.1 and Smt. S. Susheela, learned Senior Counsel on behalf of Sri. Karthik V., appearing for respondents 2(a) to 2(g).

5. Smt. Sharada H.V., learned Additional Government Advocate appearing for the petitioner-State contended that the respondent No.1-Land Tribunal committed an error in conferring occupancy right in favour of the respondent No.2 over the land in question which is a Sarkari Kere. Learned Additional Government Advocate appearing for the petitioner further contended that the respondent No.1-Land Tribunal had failed to appreciate the fact as to whether the applicant is entitled for grant of tenancy right under the provisions of the



Karnataka (Personnel and Miscellaneous) Inam Abolition Act, 1954 and no cogent reason has been assigned in the impugned order.

6. Learned Additional Government Advocate appearing for the petitioner-State also argued that, there is a prohibition for grant of tenancy rights in respect of the land transpired as communal lands, waste lands, gomal lands, forest lands including the tank beds. Accordingly, learned Additional Government Advocate sought for interference of this Court.

7. Per contra, Smt. S. Susheela, learned Senior Counsel appearing for respondents 2(a) to 2(g) invited that attention of the Court to the impugned order and contended that, basically the land in question belonged to one D. Ramarao and the same was sold to one Subramanya and thereafter, one Chinnappaiah cultivating the land in question and has filed Form No.7, seeking re-grant of the land in question in his favour. In this connection, learned Senior Counsel refers to RTC extracts at Annexure-A and submits that the name of father of respondent No.2 viz., Shaik Masthan Sab has been shown for the year 1965-66 till the year 1988-89.



8. Learned Senior Counsel appearing for respondents 2(a) to 2(g), by referring to the Village Map produced at Annexure-R3 submits that the said Village Map has been prepared by the respondent-State and nothing has been shown in the Village Map as to the existence of the Tank. It is also argued by learned Senior Counsel that, from the year-1962 onwards, the land in question is being cultivated by the erstwhile owners i.e., the respondent No.2 and his father and therefore, at this juncture, after the order passed by the respondent No.1-Land Tribunal, conferring tenancy rights in favour of the respondent No.2, the same cannot be interfered with in this petition. Accordingly, sought for dismissal of the petition.

9. In the light of submission made by learned counsel appearing for the parties, in order to ascertain whether the arguments advanced by learned Additional Government Advocate appearing for the petitioner-State that the land in question is a Kere Angala (Tank), I have carefully examined the RTC Extracts produced at Annexure-A, wherein, the name of father of the respondent No.2 viz., Shaik Masthan Sab is shown in the column 12-Cultivator column from year 1965-66 till the



year 1988-89. On perusal of the original Survey Tippani Register produced at Annexures 'A15' to 'A22', it is forthcoming that the sketch has been prepared by the Government authorities themselves, however, nothing has been shown therein as to the Kere Angala. On perusal of the impugned order dated 31st July, 2021 (Annexure-C), wherein, the respondent No.1-Land Tribunal had stated that the Durasth has been conducted in respect of the very same land and new survey number was also assigned for the land in question by the respondent-Authorities. Therefore, I am of the considered opinion that the respondent No.1-Land Tribunal, after verifying entire records pertaining to the tenancy rights of the erstwhile owner of the land in question, had rightly conferred tenancy rights in favour of the respondent No.2 in the impugned order. Hence, I do not find any perversity in the impugned order passed by the respondent No.1-Land Tribunal. Accordingly, writ petition is ***dismissed.***

SD/-
(E.S. INDIRESH)
JUDGE

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List No.: 1 Sl No.: 7