



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.22252 OF 2021 (LR)

BETWEEN:

1. SRI. HARISH KUMAR DEVARAJ
S/O LATE DEVARAJ NAGAPPA BAGALUR,
AGED ABOUT 54 YEARS.
2. SRI. KISHORE KUMAR DEVARAJ
S/O LATE DEVARAJ NAGAPPA BAGALUR,
AGED ABOUT 47 YEARS.

BOTH ARE RESIDING AT:
NO.48, 15TH CROSS,
1ST BLOCK, R.T. NAGAR,
BENGALURU - 560 032.

...PETITIONERS

(BY SRI. SANATH KUMAR SHETTY K., ADVOCATE FOR
SRI. K.S. CHANDRAHASA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS REVENUE SECRETARY,
VIDHANA SOUDHA,
AMBEDKAR VEEDHI,
BENAGALURU - 560 001.
2. THE LAND TRIBUNAL
DEVANAHALLI TALUK,
BENGALURU RURAL -562 110.
REP. BY ITS CHAIRMAN.
3. THE ASST. COMMISSIONER
BENGALURU NORTH,
NO.200(N), K.G. ROAD,



2ND FLOOR, KANDAYA BHAVANA,
BENGALURU -560 009.

4. THE TAHSILDAR
YELAHANKA TALUK,
JALA HOBLI,
BENGALURLU - 560 064.
5. SMT. RAZIYA BEGUM
KOM LATE. ABDUL KAREEM SAB,
NO.10, RAZAK SAB PALYA,
BENGALURU NORTH,
BENGALURU - 562 149.

...RESPONDENTS

(BY SRI. B.J. ESWARAPPA, AGA FOR R1 TO R4;
SRI. VEKATESH P. DALWAI, ADVOCATE FOR R5)

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 DATED 18TH AUGUST, 1981 IN CASE NO.LRF.88/1974-75 VIDE ANNEXURE-P AND THE ORDER PASSED BY RESPONDENT NO.3 DATED 26TH OCTOBER, 2021 IN CASE NO.RA(YLK)212/2021 VIDE ANNEXURE-M; AND ETC.

THIS PETITION COMING ON FOR FURTHER HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE E.S. INDIRESH

ORAL ORDER

In this petition, petitioners are challenging the order dated 18th August, 1981 (Annexure-P) passed by the respondent No.2-Land Tribunal in Case No.LRF.88/1974-75 and order dated 26th October, 2021 (Annexure-M) passed by the respondent No.3 in Case No.RA(YLK)212/2021.



2. The relevant facts for adjudication of this petition are that the land bearing Survey No.398 of Bagaluru Village, Jala Hobli, Bengaluru North measuring 2 acre 36 guntas was purchased by Shaik Abdul Rahiman Sab and Abdul Kareem Sab as per the registered Sale Deed 31st August, 1951 from one Abdul Mazeed. Thereafter, the father of petitioners viz., B.N. Devaraj purchased the portion of the land bearing Survey No.398 of Bagalur Village, Jala Hobli, Bengaluru North from the purchasers namely Shaik Abdul Rahiman and Abdul Kareem Sab as per the registered Sale Deed dated 13th August, 1975 (Annexure-B) and pursuant to the same the revenue records transferred in favour of the father of petitioners as per MR No.101/1981-82. In this regard RTC extracts are produced at Annexure-C series.

3. It is stated in the petition that the father of petitioners viz., B.N. Devaraj died intestate on 09th December, 2016 and the subject matter of the land fallen to the share of petitioners as per the Partition Deed dated 14th October, 2019 (Annexure-E). It is further stated in the petition that, at the instance of the fraudulent act on the part of the respondent



No.5, Khata of the land was modified based on the order dated 21st August, 1981 passed in Case No.LRF.88/1974-75. It is the case of the petitioners that the petitioners were unaware about the aforesaid proceedings. It is also contended by the petitioners that the proceedings before the Land Tribunal was initiated pursuant to the application said to have been filed by the vendor of the petitioners in LRF No.88/1974-75 and the occupancy right was conferred in favour of Shaik Abdul Kareem Sab as an occupant and therefore, the order dated 18th August, 1981 (Annexure-P) passed by the respondent No.2-Land Tribunal (Annexure-P) is a fraudulent order. Hence, petitioners are before this Court.

4. Sri. Sanath Kumar Shetty K., learned counsel on behalf of Sri. K.S. Chandrahasa, appearing for petitioners; Sri. B.J. Eswarappa, learned Additional Government Advocate appearing for respondents 1 to 4; and Sri. Venkatesh P. Dalawai, learned counsel appearing for the respondent No.5.

5. Sri. Sanath Kumar Shetty K., learned counsel appearing for petitioners, by referring to registered Sale Deed dated 13th August, 1975 (Annexure-B) submitted that the



father of petitioners had purchased the land from one Abdul Rahiman Sab and Abdul Kareem Sab. Learned counsel further submits that, as the father of petitioners purchased the subject land during the year-1975, the entire proceedings in Case No.LRF.88/74-75 is nullity in law.

6. Learned counsel appearing for petitioners, by referring to the order sheet maintained by the respondent No.2-Land Tribunal contended that, there is discrepancy insofar as the dates mentioned at Annexure-R as the deposition of the father of petitioners was recorded on 18th August, 1981 and it is signed by the father of the petitioners on 23rd June, 1981. Learned counsel appearing for petitioners also referred to impugned order dated 18th August, 1981 (Annexure-P) and contended that the entire proceedings before the respondent No.2-Land Tribunal is fraudulent in nature.

7. Learned counsel appearing for petitioners, by referring to earlier proceedings bearing LRF.06/1976-77 at Annexure-V1 submits that the Form No.7 filed by the husband of the respondent No.5 claims to be a tenant in the said proceedings came to be rejected on 02nd July, 1981 Annexure-



V1). Therefore, learned counsel sought for interference of this court.

8. Per contra, Sri. Venkatesh P. Dalwai, learned counsel appearing for the respondent No.5 raised preliminary objection as to the delay of more than four decades in challenging the impugned order. Accordingly, he sought for dismissal of the petition.

9. Having heard the learned counsel appearing for the parties and on careful consideration of the registered Sale Deed dated 13th August, 1975 (Annexure-B) would indicate that the father of petitioners viz., B.N. Devaraj purchased the subject land from Shaik Abdul Rahiman Sab and Abdul Kareem Sab. The mandatory requirement for granting occupancy right to the tenant is to be considered based on the material as to the cultivation of land on the relevant date i.e., on 01st March, 1974. In that view of the matter, since the father of petitioners purchased the subject land on 13th August, 1975, the respondent No.2-Land Tribunal, has no jurisdiction to accept the Form No.7 alleged to have been filed by husband of the respondent No.5. On perusal of the impugned order dated 18th



August, 1981 (Annexure-P), the same would indicate that there is a discrepancy in the dates in respect of recording of deposition of the father of petitioners and the date of signature made by the father of the petitioners before the respondent No.2-Land Tribunal, which *per se* has no jurisdiction to accept the Form No.7 filed by the husband of respondent No.5. In that view of the matter, the entire proceedings in LRF No.88/1974-75 produced at Annexure-P is contrary to law and therefore, as the matter drew route of the jurisdiction of the Land Tribunal, the contention of learned counsel appearing for the respondent No.5 as to delay in challenging the impugned proceedings cannot be accepted. Hence, all further proceedings pursuant to the order passed by the respondent No.2-Land Tribunal requires to be set-aside. In the result, I pass the following:

ORDER

- (i) Writ Petition ***allowed;***
- (ii) Order dated 18th August, 1981 (Annexure-P) passed by the respondent No.2-Land Tribunal and order dated 26th October, 2021 (Annexure-M) passed by the respondent No.3 are hereby set-aside;



- (iii) Respondents 3 and 4 are directed to enter the name of the petitioners being the legal representatives of their father B.N. Devaraj, in the revenue records in respect of the subject land, within a period of one month from the date of receipt of this order.

SD/-
(E.S. INDIRESH)
JUDGE

ARK
List No.: 1 Sl No.: 80