



CNR: KAHC010481172026

NC: 2026:KHC:44896-DB
WA No. 1756 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1756 OF 2026 (LR)

BETWEEN:

1. SMT.ANASUYA,
D/O LATE APPAYYANNA,
AGED ABOUT 69 YEARS,
R/AT NO. 1110, 1ST MAIN ROAD,
UPANAGAR, KENGERI,
BENGALURU SOUTH,
BENGALURU -560 060.
2. SMT. SOWBHAGYA,
D/O LATE APPAYYANNA,
AGED ABOUT 68 YEARS,
R/AT NANDINI LAYOUT,
BENGALURU-560 040.
3. SRI. MANJUNATH,
S/O LATE APPAYYANNA,
AGED ABOUT 66 YEARS,
R/AT NO. 1110, 1ST MAIN ROAD,
UPANAGAR, KENGERI,
BENGALURU SOUTH,
BENGALURU -560 060.
4. SRI. RAMESH,
S/O LATE APPAYYANNA,
AGED ABOUT 65 YEARS,
R/AT NO. 1110, 1ST MAIN ROAD,
UPANAGAR, KENGERI,
BENGALURU SOUTH,
BENGALURU -560 060.

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka



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5. SRI. DAYANANDA,
S/O LATE APPAYYANNA,
AGED ABOUT 60 YEARS,
R/AT NO. 1110, 1ST MAIN ROAD,
UPANAGAR, KENGERI,
BENGALURU SOUTH,
BENGALURU -560 060.

...APPELLANTS

(BY SRI. UDAYA HOLLA., SENIOR ADVOCATE FOR
SRI. BHANU PRASAD.K.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
DR. B R AMBEDKAR VEEDHI,
BENGALURU -560 001.
2. THE LAND TRIBUNAL,
REP BY ITS CHAIRMAN,
BENGALURU SOUTH TALUK,
K G ROAD, KANDAYA BHAVAN,
BENGALURU-560 009.
3. SMT. TULASAMMA,
D/O LATE DASAPPA,
W/O VENKATARAJAPPA G H,
AGED ABOUT 79 YEARS,
R/AT NO. 39/46, PASCHIM COUNTY,
MYDARAHALLI,
BENGALURU -560 090.
4. SMT.SHARADAMBA G V,
D/O ENKATARAJAPPA G H,
AGED ABOUT 62 YEARS,
R/AT NO.315,
K M SONNAPPA LAYOUT, 1ST CROSS,
NEAR ANMOL VENKATESHA NILAYA,
KEREGUDDADAHALLI, GUDDAHALLI,



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CHIKKABANAWARA,
BENGALURU -560 090.

5. SRI. G V SRINIVASA,
S/O VENKATARAJAPPA G H,
AGED ABOUT 60 YEARS,
R/AT NO. 25, KSM NILAYAM,
APC LAYOUT, 4TH CROSS,
LAKE SHORE GARDEN,
2ND CROSS, THINDLU MAIN ROAD,
BENGALURU NORTH,
VIDYARANYAPURA POST,
BENGALURU -560 097.
6. SRI. VENKATESHA G V,
S/O VENKATARAJAPPA G H,
AGED ABOUT 58 YEARS,
R/AT NO. 803/16, KRISHNA DHAMA,
S S HOSPITAL ROAD,
NEAR SAI BABA TEMPLE,
BHOO MIKA NAGARA,
NITTUVALLI POST,
DAVANAGERE-577 004.
7. SRI. VITTAL KUMAR G V,
S/O VENKATARAJAPPA G H,
AGED ABOUT 48 YEARS,
R/AT NO. 47, 1ST MAIN, 2ND CROSS,
SONNAPPA LAYOUT,
KEREGUDDADAHALLI,
CHIKKABANAWARA,
BENGALURU -560 090.
8. SRI. VIJAY KUMAR,
S/O LATE APPAYYANNA,
AGED ABOUT 72 YEARS,
R/AT NO. 1110, 1ST MAIN ROAD,
UPANAGAR, KENGERI,
BENGALURU SOUTH,
BENGALURU -560 060.



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9. SRI. K KRISHNAPPA,
S/O LATE KEMPANNA,
AGED ABOUT 78 YEARS,
R/AT NO. 3, THIPPUR,
K GOLLAHALLI POST,
KENGARI HOBLI NEAR BUS STOP,
KUMBALAGODU, BENGALURU -560 060.
10. SMT. VENKATAMMA,
D/O LATE KEMPANNA,
W/O GOPALAPPA,
AGED ABOUT 67 YEARS,
R/AT NO. 48, VINAYAKA NAGAR,
NEAR ROBIN THEATRE,
KENGARI UPANAGAR,
BENGALURU SOUTH, KENGARI,
BENGALURU -560 060.
11. SMT. RATNA K,
D/O LATE KEMPANNA,
W/O R T MARAPPA,
AGED ABOUT 65 YEARS,
R/AT NO. 285, 2ND MAIN, 4TH CROSS,
NGEF LAYOUT, MALLATHHALLI,
BENGALURU -560 056.
12. SMT. SAROJAMMA,
D/O LATE MUNIGOPALAPPA,
W/O B M RAMAKRISHNA,
AGED ABOUT 73 YEARS,
R/AT NO. 14, DODDAGUBBI,
BENGALURU -562 149.
13. SMT. LAKSHMI D/O LATE PILLAPPA,
W/O LOKESH K M,
AGED ABOUT 40 YEARS,
R/AT NO. 11, KAMAYANAPALYA,
KENGARI BENGALURU SOUTH,
KUMBALAGODU GOLLAHALLI,
BENGALURU -560 060.



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14. SRI. MANU KUMAR,
S/O LATE PILLAPPA,
AGED ABOUT 31 YEARS,
R/AT NO. 51, 3RD CROSS,
CHIKKABETTAHALLI,
BENGALURU NORTH,
BENGALURU -560 097.
15. SRI. NAVEEN KUMAR,
S/O LATE PILLAPPA,
AGED ABOUT 30 YEARS,
R/AT NO. 51, 3RD CROSS,
CHIKKABETTAHALLI,
BENGALURU NORTH,
BENGALURU -560 097.
16. SMT. MUNILAKSHMAMMA,
D/O LATE GOPALAPPA,
W/O GANGADHARA,
AGED ABOUT 61 YEARS,
R/AT NO. 206, DODDAGUBBI,
BIDARAHALLI HOBLI,
DR SHIVARAM KARANTH NAGAR,
BENGALURU NORTH,
BENGALURU -560 097.
17. SMT. NAGAMMA,
D/O LATE GOPALAPPA,
W/O NARAYANASWAMY,
AGED ABOUT 59 YEARS,
R/AT T AGRAHARA,
THAMMARAYASANDRA AGRAHARA,
BENDIGANAHALLI POST,
BENGALURU RURAL,HOSKOTE-560 129.
18. SRI. MUNIRAJU G,
S/O LATE GOPALAPPA,
AGED ABOUT 57 YEARS,
R/AT NO. 82, CHIKKAGUBBI ROAD,
NEAR SOMESHWARA TEMPLE,
DODDA GUBBI, BENGALURU -562 149.



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19. SMT. NALINA,
S/O LATE ANJINAPPA,
W/O N MUTHAIAH,
AGED ABOUT 62 YEARS,
R/AT JATHAVARA HOSAHALLI,
JATHAVARA POST,
CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA -562 101.
20. SRI. MUNIRATNA,
S/O LATE ANJINAPPA,
AGED ABOUT 60 YEARS,
R/AT NO. 15, BANDE MUTT ROAD,
LINE, BANDEMUTT, K S TOWN,
Kengeri Upanagar,
BENGALURU -560 060.
21. SRI. LAKSHMANA,
S/O LATE ANJINAPPA,
AGED ABOUT 57 YEARS,
R/AT NO. 260, KOMMAGHATTA,
ROAD VIVEKANANDA NAGARA,
K S TOWN, BENGALURU -560 060.
22. SMT. NAGAVENI,
D/O LATE ANJINAPPA,
W/O MUNIRAJU,
AGED ABOUT 54 YEARS,
R/AT NO. 260, KOMMAGHATTA,
ROAD VIVEKANANDA NAGARA,
K S TOWN,
BENGALURU -560 060.
23. SMT. MANJULA A,
D/O LATE ANJINAPPA,
W/O VIJAY KUMAR N,
AGED ABOUT 44 YEARS,
R/AT NO. 260, KOMMAGHATTA ROAD,
VIVEKANANDA NAGARA,
K S TOWN, BENGALURU -560 060.



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24. SRI. SOMASHEKARA,
S/O LATE ANJINAPPA,
AGED ABOUT 44 YEARS,
R/AT NO. 260, KOMMAGHATTA ROAD,
VIVEKANANDA NAGARA,
K S TOWN,
BENGALURU -560 060.

...RESPONDENTS

(BY SRI.B.RAVINDRANATH, AGA FOR R1 TO R2;
SRI.ASHOK HARANAHALLI, SENIOR ADVOCATE FOR
SRI.NARASIMHARAJU, ADVOCATE FOR R3 TO R7;
SRI.VIKRAM HUILGOL, SENIOR ADVOCATE FOR
SRI.K.R.RAMESH, ADVOCATE FOR R9-R24;
NOTICE TO R8 DISPENSED WITH V.C.O DATED 27.07.26)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED
19.06.2026 PASSED IN WP No. 25855/2025 (LR) PASSED BY
THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT, IN
THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H SHANTHI BHUSHAN)

The present appeal has been filed impugning the judgment and order dated 19.06.2026 passed by the learned Single Judge in W.P.No.25855/2025 (LR).

2. The parties shall be referred to as per their ranking before the learned Single Judge.

3. The petitioners before the learned Single Judge have called in question the order dated 10.03.1975 passed by the Land Tribunal, Bengaluru South Taluk, in LRF No.909/1974-75, whereby occupancy rights in respect of the schedule properties came to be granted in favour of Appayyanna. The schedule properties bearing Survey No.5/1B measuring 22 guntas, Survey No.213/2A measuring 1 acre 6 guntas and Survey No.213/2D measuring 3 acres 16 guntas, situated at Kengeri Village, Bengaluru South Taluk, originally belonged to late Dasappa, who had acquired the same under a registered



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Partition Deed dated 16.12.1948. After his death on 25.02.1961, he was survived by his wife Hanumakka and six daughters. One of the daughters, namely Sanjeevamma, instituted O.S.No.125/1973 seeking partition, which came to be decreed holding that Hanumakka and her six daughters were entitled to one-seventh share each in the suit properties. During the pendency of the proceedings, Appayyanna, who was the son-in-law of Hanumakka, filed Form No.7A before the Land Tribunal claiming occupancy rights in respect of the schedule properties, contending that he was personally cultivating the same from the year 1962-63.

4. It is the case of the petitioners that the schedule properties were joint family properties of Hanumakka and her six daughters and that the conferment of occupancy rights in favour of Appayyanna was wholly contrary to law. It was submitted that Appayyanna was a Government School Teacher and, notwithstanding his knowledge of the family and the



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pending civil proceedings, had filed Form No.7A without impleading Hanumakka's daughters, who were necessary and proper parties. It was further contended that no notice had been issued to the persons interested in the lands and that the Land Tribunal had not conducted the enquiry contemplated under Section 48-A of the Karnataka Land Reforms Act, 1961 and Rule 17 of the Rules. According to the petitioners, the order of the Land Tribunal was therefore non-est and was vitiated by fraud, violation of natural justice and jurisdictional error.

5. On the other hand, it is the case of respondent Nos.4 to 8 that the writ petition, having been instituted after a lapse of nearly five decades, was liable to be dismissed on the ground of delay and laches. It was argued that there was no prohibition in law against a Government servant being recognised as a tenant, provided he was personally cultivating the land. It was further submitted that a son-in-law could cultivate the land as a tenant under his mother-in-law and that the mere



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fact that Appayyanna was a School Teacher would not disentitle him from claiming occupancy rights. Reliance was placed on the decisions referred to before the Court. Learned counsel appearing for respondents 9 to 24, however, supported the case of the petitioners and submitted that the Land Tribunal was required to conduct an enquiry under Section 48-A of the Act. The learned Additional Government Advocate appearing for respondents 1 and 2 supported the order passed by the Land Tribunal.

6. Having considered the rival submissions and the material on record, the Court found that the order of the Land Tribunal could not be sustained. The record disclosed that the daughters of Hanumakka and late Dasappa, who had an interest in the schedule properties, had not been impleaded before the Land Tribunal. The Tribunal was under a statutory obligation under Section 48-A of the Act to issue notice to the landlord and all other persons interested in the land and to conduct the requisite enquiry.



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Rule 17 of the Rules also required the Tribunal to consider the material on record and pass a reasoned order after following the prescribed procedure. The Court further found that the Tribunal had not conducted an enquiry to establish whether Appayyanna was in fact personally cultivating the lands. In the circumstances, the failure to implead the interested parties and the failure to follow the mandatory procedure resulted in a jurisdictional error. The contention regarding fraud is also required consideration in a proper enquiry before the Tribunal. Accordingly, allowed the writ petition and set aside the order dated 10.03.1975 passed by the Land Tribunal in LRF No.909/1974-75 and remitted the matter to the Land Tribunal for fresh consideration in accordance with law, after affording an opportunity of hearing to all the parties interested in the schedule properties and keeping in view the observations made in the judgment. The Land Tribunal was directed to dispose of the proceedings at the earliest possible.



7. Aggrieved by the order passed by the learned Single Judge, whereby the matter was remanded to the Land Tribunal for fresh consideration, the appellants have preferred the present appeal.

8. We have heard Sri Udaya Holla, learned Senior appearing for the petitioners, Sri Ashok Haranahalli, learned Senior Counsel appearing for respondent Nos.3 to 7, Sri.Vikram Huilgol, learned Senior Counsel appearing for respondent Nos.9 to 24 and Sri.B.Ravindranath, learned Government Advocate for the State.

9. Sri.Udaya Holla, learned Senior Counsel submits that, though there were seven legal heirs, only one of the legal heirs was arrayed as a party before the Land Tribunal. It is further submitted that the respondent, in the written statement filed in the original suit, had admitted that the predecessor-in-interest of the respondents was the tenant. According to the learned Senior Counsel, this



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material aspect had not been properly considered by the learned Land Tribunal.

10. We have carefully perused the order passed by the learned Land Tribunal. It is evident that the Tribunal has not recorded any finding on the basis of any alleged concession by the other legal heirs that the predecessor-in-interest of the respondents was a tenant. Apart from the same, the original records produced by the learned Government Advocate disclose that the impugned order of the Land Tribunal bears only the signature of the Tahsildar and none of the other members of the Land Tribunal have affixed their signatures to the said order. In our considered view, the order of the Land Tribunal, even on this ground, cannot be sustained in law.

11. It is true that the writ petition came to be filed after considerable delay. However, where an order is shown to have been obtained by playing fraud on the statute and the order itself is found to be illegal, mere



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delay cannot come in the way of setting aside such an illegal and fraudulent order. An order which is vitiated by fraud cannot be permitted to stand merely on the ground of lapse of time.

12. In that view of the matter, we find no merit in the present appeal. Accordingly, we pass the following;

ORDER

(i) The appeal is dismissed.

(ii) The Land Tribunal is directed to reconsider the matter afresh, after affording an opportunity of hearing to all the appellants and respondents and to dispose of the proceedings, in accordance with law, as expeditiously as possible and, in any event, within a period of six months from the date of receipt of a copy of this order.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**