



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 28794 OF 2015 (KVOA)

BETWEEN:

K.L. JAYAPRAKASHNARAYANARAO
DEAD BY HIS LR'S

- 1 SRI K J VENKATANARAYANA,
S/O LATE K L JAYAPRAKASHNARAYANARAO,
AGED ABOUT 37 YEARS,
2. SRI K J SHASHIBHUSHAN
S/O LATE K L JAYAPRAKASHNARAYANARAO,
AGED ABOUT 33 YEARS,

BOTH ARE RESIDING AT
MARAGANAKUNTE VILLAGE,
GULUR HOBLI,
BAGEPALLI TALUK PIN -572 118.

...PETITIONERS

(BY SRI. G BALAKRISHNA SHASTRY, ADVOCATE)

AND:

1. THE TAHASILDAR
BAGEPALLI TALUK,
BAGEPALLI-561 207.



2. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY TO
REVENUE DEPARTMENT,
M.S.BUILDING,
DR. AMBEDKAR ROAD,
BANGALORE-560 001.
3. SRI. K.L. GNANAPRASAD RAO
S/O K. LAKSHMAN RAO
AGED ABOUT 63 YEARS
4. SRI. K.L PRABHAKAR RAO
S/O K. LAKSHMAN RAO
AGED ABOUT 56 YEARS
5. SRI. K.L. RAJARAM MOHAN RAO
S/O K. LAKSHMAN RAO
AGED ABOUT 54 YEARS
6. SRI. K.L. KRISHNAMURTHY
S/O K. LAKSHMAN RAO
AGED ABOUT 50 YEARS

RESPONDENT NOS. 3 TO 6 ARE
R/AT NO.21, "RAJATHADRI"
2ND CROSS, PARVATHI NAGAR
LAGGERE MAIN ROAD
BENGALURU - 560 058.
7. SMT. SAVITHRAMMA
W/O LATE M.S. VENKATESHARAO
AGE MAJOR
R/AT MARAGANAKUNTE,
GULUR HOBLI,
BAGEPALLI TALUK
(SINCE DEAD REPRESENTED BY HER LRS
RESPONDENT NOS.14 TO 16



8. M.S.SRINIVASARAO
S/O LATE M.S. VENKATESHARAO
AGE MAJOR
R/AT NO.1028, 10TH CROSS,
9TH MAIN, SHANKARAPURAM,
BANGALORE
9. NALINI
W/O M.V.NAGARAJARAO
AGE MAJOR
10. NAVEEN KUMAR
S/O M.V.NAGARAJARAO
AGE MAJOR

RESPONDENT NO.9 & 10 ARE
R/AT 'SAVITHA NILAYA' 6TH MAIN,
7TH CROSS, JAGADEESH NAGAR,
BANGALORE
11. M.V.PRAKASH RAO
S/O LATE M.S.VENKATESH RAO
AGE MAJOR
R/AT NO.60, VIJAYANAGAR EXTENSION
B.E.M.L.NAGAR, K.G.F.
12. SMT. PRASANNA KUMARI
W/O LATE M.V.RAMACHANDRA RAO
AGE MAJOR
13. M.V.SHESHAGIRI RAO
S/O LATE M.S.VENKATESH RAO
14. SMT. USHA KUMARI
D/O M.S.VENKARESHA RAO
AGE MAJOR



15. KUM. BHAGYALAKSHMI
D/O M.S.VENKATESH RAO
MAJOR

16. SMT.INDIRAMMA
D/O M.S.VENKATESH RAO
AGE MAJOR

RESPONDENT NO. 12 TO 16 ARE
R/AT MARGANUKUNTE,
BAGEPALLI (TALUK),
CHIKKABALLAPUR DISTRICT - 561 207.

17. K.LAKSHMANA RAO
S/O LATE K.RAMAPPA,
AGE MAJOR
R/AT C/O K.L.GNANAPRASAD RAO
NO.21, "RAJATHADRI" PARVATHI NAGAR,
LAGGERE MAIN ROAD,
BANGALORE - 560 058.

18. M.R.NAGENDRA
S/O LATE M.S.RAMARAO
AGE MAJOR R/AT NO.8963,
17E CROSS, 3RD MAIN,
BANASHANKARI 2ND STAGE,
BANGALORE - 560 070.

19. M.R. NAGABHUSHANA
S/O LATE M.S. RAMARAO
AGE MAJOR



20. M.R. SRINIVAS
S/O LATE M.S. RAMARAO
AGE MAJOR

RESPONDENT NOS. 19 AND 20 ARE
R/AT NO.8963, 17TH E CROSS
3RD MAIN, BANASHANKARI 2ND STAGE
BENGALURU - 560 018.

RESPONDENTS

(BY SRI. SRINIVAS KUMAR M., HCGP FOR R1 AND R2;
SRI. A. SHIVARAMA, ADVOCATE FOR R3 TO R6 AND R17;
SMT. P.V. KALPANA., ADVOCATE FOR R13 TO R16;
V/O DATE 12.01.2018 R7 DEAD AND R14 TO R16 ARE LR'S
DECEASED R7;
R8, R9, R10, R11, R12, R19 ARE SERVED AND
UNREPRESENTED;
SRI. M.S. CHANDRASHEKAR BABU, ADVOCATE FOR R18;
V/O DATED 29.07.2019 SERVICE OF NOTICE TO R20 IS
HELD SUFFICIENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDER DATED 20.09.2014 PASSED BY THE PRL.
DIST., JUDGE AT CHICKBALLAPUR VIDE ANNEXURE-A AND
ETC.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

Petitioners claiming to be the descendants of one
Venkataramappa, the original holder of Shanbhog Village office
of Marganakute village, Devikunte Village, Golur Hobli,



Bagepally Taluk, had made an application before the Tahsildar seeking grant of lands attached to the said village office. That the said case was registered in Case HOA/R/SH/21/1979-80. By order dated 27.12.2001 the Tahsildar, Bagepalli had directed the petitioner along with other persons who were arrayed as respondents therein to approach competent Civil Court establishing their right with regard to their entitlement relating to the said Village Office. Aggrieved by the same petitioners herein had preferred a miscellaneous appeal in MA No. 11/2002 before the Principal District Judge, Kolar. By order dated 17.04.2007 the appellate Court had allowed the said appeal directing the Tahsildar, after holding an enquiry and affording opportunity to parties, to pass a speaking order one way or the other on granting the land to the claimants therein. Upon such remand, the matter was taken up by the Tahsildar and on reconsideration passed the impugned order dated 19.06.2009 by holding that the petitioners and the other respondents had not established their rights of they being the descendants of the holder of the Village Office by producing documents in support of their respective claims. Accordingly, directed the said lands to be resumed and forfeited in favour of



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the State. Being aggrieved, petitioner preferred Miscellaneous Appeal No.10/2009 before the Principal District Judge, Chikkaballapur. By impugned order dated 20.09.2014, the said appeal was dismissed confirming the order dated 19.06.2009 passed by the Tahsildar, Bagepally. However, liberty was reserved to the petitioners/appellants therein to institute a suit and obtain a decree of declaration of their title from a competent Civil Court on the basis of the claims made by them. It is these orders which are put in question in this petition.

2. Sri.Balakrishna Shastry, learned counsel appearing for the petitioners taking this Court through the records submits:

(a) That the entitlement of the petitioners and their forefathers to the lands comprised/attached to Devikunte Firka and Margankunte Firka was long decided in the proceedings in RMC Case No.1/1920-21 and in Appeal No.434/1928-29, in which claim made by the descendants of the original holder of the office was resisted by certain Seenappa, who was appointed as a clerk by one of the widows of the descendants of original holder of office. The authorities back in the year 1920-21 as well as in the appeal in 1928-29, after consideration of the merits of such claims and the rival claims, had come to the conclusion that Seenappa was



not the hereditary holder of the original ancestor of the petitioners. As such, he could not lay any claim on the properties. However he was only entitled to enjoy the potgi allowance which was given to an officiator of the office. Whereas the claims of the descendants of the holder of the office was recognised.

(b) He then refers to genealogy of the original holder of the office and submits that the grandson of the original holder of the office had two sons by name Sheshappa and Thimmappa. Thus his family consisted of two branches. Further Sheshappa had two sons by name Venkatagiriappa and Venkatakrishnappa. Family of Venkatagiriappa continued upto his grandson Krishnappa. Whereas family of VenkataKrishnappa stood extinct as he had no descendants. As regard the second son of Venkatanarayanappa, Thimmappa his family extended upto his great grandson Venkatanarayanappa. Since Krishnappa the great grandson of Sheshappa had adopted Venkatanarayanappa from the branch of Thimmappa said Venkatanarayanappa became entitled to the office in both the capacity as the natural heir of Thimmappa as well as being adoptive son of Krishnappa. Therefore he submits in any case there being no dispute with regard to the descendants of the original holder of office, the Tahsildar could not have assumed the dispute upon himself to hold and direct the parties to obtain decree of declaration of their entitlement. He further submits the appellate court also has fell in similar error in directing the parties to go and seek a declaration when infact there is no dispute to the Village Office of the ancestors of the petitioners.

(c) As regards the claim of the Seenappa's descendants is concerned, he points out to the order dated 19.06.2009 passed by the Tahsildar on remand wherein at page 11 unnumbered paragraph 2 onwards, the



Tahsildar has categorically held that Seenappa being the officiator appointed under Krishnamma had no right on the property. He submitted the said finding and conclusion not having been challenged, Seenappa, respondent Nos.16, 17 and 18 herein cannot lay any claim on the property. Hence, he submits a necessary direction be issued to the Tahsildar to grant the land attached to Margankunte firka in the name of the petitioners as they are the only rightful claimants being the descendants of the original office holder.

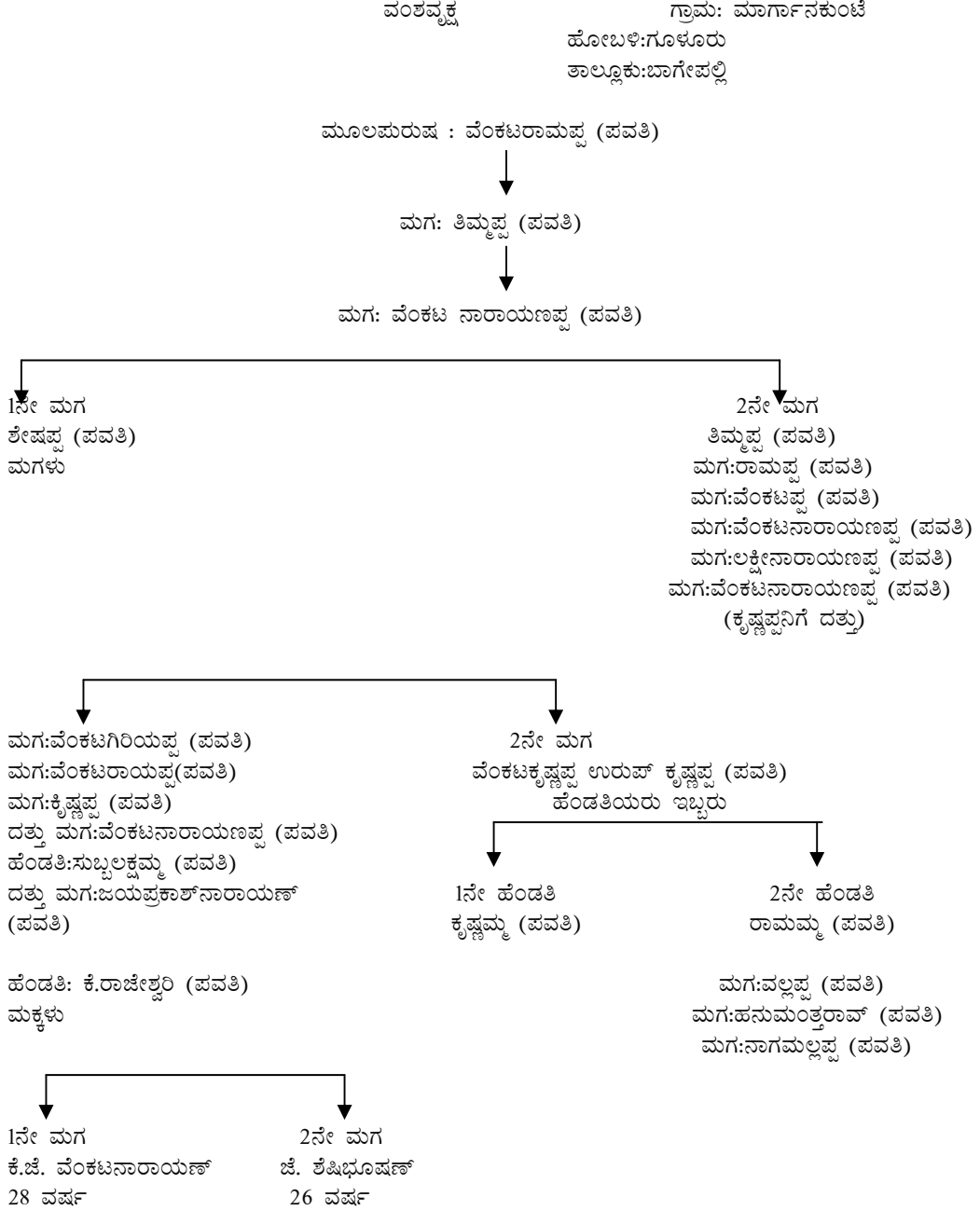
3. In response, learned HCGP submits given sometime the matter will be considered in accordance with law and order will be passed thereon.

4. Learned counsel for the respondent No.14 on the other hand submits that though Seenappa and his descendants have not challenged the order of the Tahsildar, by virtue of the petitioners having filed the miscellaneous appeal and the same having been dismissed, it shall be deemed that they indeed had filed an appeal and the order of dismissal would enure to their benefit.

5. Heard and perused the records.



6. Genealogy of the petitioner read as under:





7. Thus, as contended by the learned counsel for the petitioner only common heir of original holder of the office is Venkatanarayanappa and there are no other descendants of the original holder of office.

8. As regard claim of Seenappa and his descendants namely respondent No.14 relevant to refer to order dated 06.04.1923 passed by the Assistant Commissioner, Chikkaballapur in RMC Case No.1/2020-21 which read as under:

ORDER

"The Firka of Devikunte comprising of 14 villages was in the name of one Krishnappa. These villages were divided into two firkas at the survey settlement into two firkas Devikunte and Margana Kunte. Krishnappa kept the Shanbhogue of Marganakunte and the Shanbhogue of devikunte was registered in the name of his elder brother donetra venkataryappa in the year sarvan. Venkataryappa's death his son Krishnappa became the registered Shanbhogue of Devikunte Fierka. Krishnamma was the wife of Krishnappa become the registered Shanbhogue of Margan Kunta firka after Krishnappa death's death Seenappa who was the gunasta of Krishnamma by the deputy commissioner in his order No. 573 dated 07.03.1890 and Krishnamma not having left any heirs this Seenappa was registered as the Shanbhogue.

The inam lands of two firkas were along jointly enjoyed by both Krishnappa of Devikunte and



Krishnamma of Margan There was Kunte as per agreement dated 17.09.1846. necessity for this kind of agreement probably because the lands attached to the Margankunte firka were larger in extent than those of the Devikunte Firka. It was entered into between Venkatagiriappa and Narayanappa on behalf of probably venkatarayappa and Krishnamma Both Kishnappa and Krishnamma have admitted this in their joint statement before the sub division office on 22.07.22. This statement is attested by the present Shanbhogue Seenappa.

Seenappa does not want to have anything to do with the Inam lands of Devikunte Firka and wants that krishnappa should have nothing to do with the lands of the Margankunte Fierka. Seenappa refuses to give half the produced of the margankunte lands as the inam lands belongs to his firka. Krishnappa claim that he should get half the produce as he used to do in the life time of Krishnamma I am oathed to disturb an arrangement entered into between the parties so long as 1846 as along as one of the party Krishnappa is alive. Further I regard Krishnappa as a member of the original Hakudars family and his enjoyment on behalf the lands of the Miargankunte Firka does not in any way affect the potgi allowance which is payable to and enjoyable by the Officiators alone. Seenappa not being a hereditary holder cannot look to any other emoluments except his cash potgi. Sec. XXVI of the rule for the remuneration of village officers P. 201 of the Old Manual is very clear and lays down that the Official land under the settlement prescribed in the foregoing rules will form no part of the remuneration of the officiator who is to be paid wholly in cash and the land will therefore remain in the possession of the shares who may at present hold it. The same principles is embodied in Section 65(VO of the new Revenue Manual.



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In the result that seenappa should enjoy only half of the inam lands of Margankunte the portion that Krishnamma was enjoying and the other half should be enjoyed by Krishnappa during his life time. Krishnappa share of the produce attached if any should be given over to Krishnappa."

9. Thus at an undisputed point in time, the claims of the descendants of original holder of the office as well as the claim of Seenappa were determined. In that Seenappa was held to be not being the hereditary owner of the office and his rights were restricted only to claim emolument in the nature of cash only and not the land. The said aspect of the matter has been reiterated by the Tahsildar as late as order dated 19.06.2009 wherein at pages 10, 13 and 14 has held as under:

"ಇಲ್ಲಿ ಮುಖ್ಯವಾಗಿ ಗಮನಿಸಬೇಕಾಗಿರುವ ಅಂಶ ಕ್ರಿಷ್ಣಮ್ಮ ತರಫ್ ಗ್ರಾಮ ನೌಕರಿ ಕಛೇರಿಯ ಕೆಲಸಕಾರ್ಯಗಳನ್ನು ಮಾಡಲು ಗುಮಾಸ್ತನಾಗಿ ನೇಮಕವಾಗಿರುವ ಸೀನಪ್ಪ ಮರು ಮಂಜೂರಾತಿಗೆ ಅರ್ಹರೇ ಎಂಬುದಾಗಿರುತ್ತದೆ.

ಕರ್ನಾಟಕ ಗ್ರಾಮ ನೌಕರಿ ರದ್ದಿಯಾತಿ ಕಾಯಿದೆ, 19612 ಅಧಿನಿಯಮ 2(N) ರ ವ್ಯಾಖ್ಯೆದಂತೆ

"Village Office" means, Village Office, to which emoluments have been attached and which was **held hereditarily** before the commencement of the constitution under an existing law relating to a village office, for the performance of duties connected with the administration or collection of the revenue or with the maintenance of order or with the settlement of boundaries or other matter of civil administration of a village whether the services originally appertaining to the office continue or have ceased to be performed or



demanded and by whatsoever designation the office may be locally known.

ಮೇಲ್ಕಂಡ ವಿವರಣೆಯಂತೆ ಗ್ರಾಮ ನೌಕರಿ ಕಛೇರಿಯ ವ್ಯಾಖ್ಯೆಯಲ್ಲಿ ಮುಖ್ಯವಾಗಿ ಗಮನಿಸಬೇಕಾಗಿರುವ ಅಂಶವೇನೆಂದರೆ, ಗ್ರಾಮ ನೌಕರಿ ಕಛೇರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಾರ್ಯಗಳ ನಿರ್ವಹಣೆಯು ವಂಶಪಾರಂಪರ್ಯದಿಂದ (*Held hereditarily*) ಬಂದ ವ್ಯಕ್ತಿ/ವ್ಯಕ್ತಿಗಳನ್ನೊಳಗೊಂಡಿರುವುದೇ ಆಗಿರುತ್ತದೆ. ಅದರಂತೆ ಕಡತದಲ್ಲಿ ಲಭ್ಯವಿರುವ ಮಾರ್ಗಾನುಕುಂಟೆ ಪಿರ್ಕಾ ಗ್ರಾಮಗಳಾದ (1) ಮಾರ್ಗಾನುಕುಂಟೆ (2) ಪಿಚ್ಚಲವಾರಿಪಲ್ಲಿ (3) ಪೋಕಮಾಕಲಪಲ್ಲಿ ಗ್ರಾಮಗಳ ಬಾರಾಬಲೂತಿ ನಕಲು ಪ್ರಕಾರ ಕ್ರಿಷ್ಣಮ್ಮ ಎಂಬಾಕೆಯು ಬರಾಬರ್ಡ್ವಾರಳಾಗಿರುವುದು ನಿಶ್ಚಯವಾಗಿರುತ್ತದೆ. ಹಾಗೂ ಈಕೆಯು, ಪ್ರಶ್ನಿತ ಗ್ರಾಮನೌಕರಿ ಕಛೇರಿಯ ರಿಜಿಸ್ಟರ್ ಹಕ್ಕುದಾರರಾಗಿರುತ್ತಾರೆ. ಕರ್ನಾಟಕ ಗ್ರಾಮ ನೌಕರಿ ರದ್ದಿಯಾತಿ ಕಾಯಿದೆ, 1961ರ ಅಧಿನಿಯಮ 2(g) ಅನ್ವಯ

"Holder of a village office" or "Holder" means a person having an interest in a village office under an existing law relating to such office,

provided that where any village office has been entered in a register or record under an existing law relating to such village office, as held by the whole body of persons having interest in the village office, the whole of such body shall be deemed to be the holder.

ಪ್ರಶ್ನಿತ ಗ್ರಾಮ ನೌಕರಿ ಕಛೇರಿಯ ರಿಜಿಸ್ಟರ್ಡ್ ಹಕ್ಕುದಾರಳಾದ ಕ್ರಿಷ್ಣಮ್ಮ ನಿಸ್ಸಂತತಿಯಿಂದ ಫವತಿಯಾಗಿದ್ದು ಸದರಿ ಗ್ರಾಮನೌಕರಿ ಕಛೇರಿಯ ವಂಶಪಾರಂಪರ್ಯತೆ (*Held hereditarily*) ಈಕೆಯ ಫವತಿಗೆ ಮುಕ್ತಾಯಗೊಂಡಿರುತ್ತದೆ. ಈಕೆಯ ನಂತರ ಈ ಗ್ರಾಮ ನೌಕರಿ ಕಛೇರಿಯ ಕೆಲಸ ಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಣೆ ಮಾಡಿರುವುದು ಸೀನಪ್ಪ ಎಂಬುವವರಾಗಿದ್ದು "ಈತನು ನಿಶ್ಚಯವಾಗಿ ಕೆಲಸಗಳನ್ನು ಮಾಡುತ್ತಿರುವ ಜನಗಳ ತಪ್ಪಸೀಲುನಡಿ" ಬರುವವನೇ ಹೊರತು, ರಿಜಿಸ್ಟರ್ಡ್ ಹಕ್ಕುದಾರ ಎಂಬ ಶೀರ್ಷಿಕೆಯಡಿ ಬರುವವನಲ್ಲ ಎಂಬ ದೃಢವಾದ ಅಭಿಪ್ರಾಯದ ಹಾದಿಗೆ ಬರುವುದರಲ್ಲಿ ಬಾರಾಬಲೂತಿ ನಕಲಿನಲ್ಲಿನ "ನಿಶ್ಚಯವಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿರುವ ಜನಗಳ ತಪ್ಪಸೀಲು" ಎಂಬ ಶೀರ್ಷಿಕೆಗಳೇ ಪುಷ್ಟಿಕರಿಸುವ ದಾಖಲೆಯಾಗಿರುತ್ತದೆ. ಆದಕಾರಣ ಸೀನಪ್ಪ ಹಾಗೂ ಈತನ ಸಂತತಿಯವರು ಕರ್ನಾಟಕ ಗ್ರಾಮ ನೌಕರಿ ರದ್ದಿಯಾತಿ ಕಾಯ್ದೆ, 1961ರ ಅಧಿನಿಯಮ 2(N) ಮತ್ತು (g) ವ್ಯಾಖ್ಯೆಯ ನಿಟ್ಟಿನಲ್ಲಿ ಬಾರದೇ ಇರುವವರಾಗಿರುತ್ತಾರೆ. ಮುಂದುವರೆದು, ಸದರಿ ಕಾಯಿದೆ ಅಧಿನಿಯಮ 2(J) ಅನ್ವಯ

"Officiator" means The person actually performing the duties of a village office, whether he be a person having a right to perform the duties of such office



or a substitute appointed under the existing law relating to such office.

ಈ ವ್ಯಾಖ್ಯೆಯು ಸ್ಪಷ್ಟವಾಗಿ ತಿಳಿಸುವಂತೆ ಸೀನಪ್ಪ ರವರು, ಸದರಿ ಗ್ರಾಮನೌಕರಿ ಕಛೇರಿಯ ರಿಜಿಸ್ಟರ್ಡ್ ಹಕ್ಕುದಾರಳಾದ ಕ್ರಿಷ್ಣಮ್ಮಳ ತರಫ್ ಕೆಲಸ ಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಲು ನೇಮಕಗೊಂಡಿರುವ ಗುಮಸ್ತನಾಗಿದ್ದು, ಈ ಮೇರೆಗೆ ಈತನು ಹಾಗೂ ಈತನ ಮಕ್ಕಳನ್ನು ಸದರಿ ಶ್ಯಾನುಭೋಗ ನೌಕರಿ ಕಛೇರಿಯ ರಿಜಿಸ್ಟರ್ಡ್‌ದಾರರನ್ನಾಗಿ ಮೊಕರೊರ್ ಮಾಡಿರುವುದು ಸದರಿ ಗ್ರಾಮ ನೌಕರಿ ಕಛೇರಿಯ ಕೆಲಸಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸುವ ಹಕ್ಕನ್ನು ಪ್ರದತ್ತ ಮಾಡುವುದೇ ಆಗಿದ್ದು (Be a person having a right to perform the duties of such office) ಇದರಿಂದ ಸೀನಪ್ಪ ಹಾಗೂ ಈತನ ಸಂತತಿಯವರು ಸದರಿ ಕಾಯ್ದೆಯ ಅಫೀಸಿಯೇಟರ್ (Officiator) ಹೊರತು ಹೋಲ್ಡರ್ (Holder) ಎನಿಸುವುದಿಲ್ಲ ಅದರಂತೆ, ಸದರಿ ಕಾಯ್ದೆಯ ಅಧಿನಿಯಮಗಳು 2(1)(g) ಮತ್ತು 4 ರಿಂದ 7 ರಲ್ಲಿ ವ್ಯಾಖ್ಯಾನಿಸಿರುವಂತೆ ಜಮೀನಿನ ಮರುಮಂಜೂರಾತಿಯು ಅಂಥ ಗ್ರಾಮ ನೌಕರಿ ಕಛೇರಿಯ ಹೋಲ್ಡರ್ (Holder) ಅರ್ಹನೇ ಹೊರತು ಅಫೀಸಿಯೇಟರ್ (Officiator) ಅರ್ಹನಲ್ಲ.

ಮೇಲೆ ವಿವರಿಸಿರುವ ಅಂಶಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ.

Relevant paragraphs of the operative portion read as under:

'ಕರ್ನಾಟಕ ಗ್ರಾಮ ನೌಕರಿ ರದ್ದಿಯಾತಿ ಕಾಯ್ದೆ, 1961ರ ಅಧಿನಿಯಮ 7ರ ಪ್ರಕಾರ ಪ್ರಶ್ನಿತ ಶ್ಯಾನುಭೋಗ ಗ್ರಾಮ ನೌಕರಿ ಕಛೇರಿಗೆ ಸೇರಿದ ಈ ಕೆಳಕಂಡ ಜಮೀನುಗಳ ಕ್ರಯದಾರರನ್ನು ಜಮೀನಿನಿಂದ ಹೊರದೂಡಿ ಇದೇ ನ್ಯಾಯಾಲಯದ ಆದೇಶ ಸಂಖ್ಯೆ :HOA/sh(R)21/79-80 ದಿನಾಂಕ:08.04.1981 ರಂದು ಜಮೀನನ್ನು ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆಯಲು ಆದೇಶವಾಗಿರುತ್ತದೆ. ತಹಲ್‌ವರೆವಿಗೂ ಗ್ರಾಮಧಾಖಲೆಗಳಲ್ಲಿ ಈ ಆದೇಶವನ್ನು ನಮೂದು ಮಾಡದೇ ಇದ್ದು, ಕೂಡಲೇ ಇದನ್ನು ಗ್ರಾಮಧಾಖಲೆಗಳಲ್ಲಿ ನಮೂದು ಮಾಡತಕ್ಕದ್ದು.

ಕ್ರ.ಸಂ	ಗ್ರಾಮ	ಸರ್ವೆ ನಂ	ತರಹೆ	ವಿಸ್ತೀರ್ಣ
1	ಮಾರ್ಗಾನುಕುಂಟೆ	135	ತರಿ	0-24
2.	ಪೋಕಮಾಕಲಪಲ್ಲಿ	28	ತರಿ	0-15 ¹ / ₂ ಗುಂಟೆ
3.	ಹೊನ್ನಂಪಲ್ಲಿ	15	ತರಿ	1-32
4.	ನಾರಾಯಣಸ್ವಾಮಿಕೋಟೆ	17	ತರಿ	0-29
5.	ಪಿಚ್ಚಲವಾರಪಲ್ಲಿ	50/1	ಮಿಷ್ಕಿ	0-15
6.	ಪಿಚ್ಚಲವಾರಪಲ್ಲಿ	50/3	ಮಿಷ್ಕಿ	0-17



ಈ ಮೇರೆಗೆ ಇವರುಗಳ ಅರ್ಜಿಗಳು ತಿರಸ್ಕರಿಸಲ್ಪಟ್ಟಿರುತ್ತವೆ. ಹಾಗೂ ಪ್ರಶ್ನಿತ ಪ್ರಕರಣದಲ್ಲಿನ ವಾದಿಗಳು ಮತ್ತು ಪ್ರತಿವಾದಿಗಳೆಲ್ಲರೂ ಸದರಿ ಗ್ರಾಮ ನೌಕರಿ ಕಛೇರಿಯ ಹೋಲ್ಡರ್ (Holder) ಆಗದೇ ಇರುವುದರಿಂದ ಇವರುಗಳ ಅರ್ಜಿಯನ್ನು ತಿರಸ್ಕರಿಸಿದೆ. ಹಾಗೂ ಸದರಿ ಗ್ರಾಮ ನೌಕರಿ ಕಛೇರಿಯ ಕೆಳಕಂಡ ಜಮೀನುಗಳನ್ನು ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಮುಟ್ಟುಗೋಲು ಹಾಕಿಕೊಂಡಿದೆ.

ಗ್ರಾಮ	ಸರ್ವೆ ನಂ	ತರಹೆ	ವಿಸ್ತೀರ್ಣ
ಮಾರ್ಗಾನುಕುಂಟೆ	88	ಬಾಗಾಯ್ತು	4-33
	91	ಬಾಗಾಯ್ತು	3-03
	152	ಮಿಷ್ಕಿ	10-29
	180	ತರಿ	1-06
	213	ಮಿಷ್ಕಿ	12-21
ಪೋಕಮಾಕಲಪಲ್ಲಿ	56/2	ಮಿಷ್ಕಿ	1-12
ಹೊನ್ನಂಪಲ್ಲಿ	56/2	ತರಿ	0-39
ಮದ್ದಕವಾರಪಲ್ಲಿ	26	ತರಿ	1-03
	45/1	ಮಿಷ್ಕಿ	2-15
	45/2	ಮಿಷ್ಕಿ	2-11
ಕೊಕ್ಕುವಾರಪಲ್ಲಿ	11/2	ತರಿ	0-25

ಮೇಲ್ಕಂಡ ಆದೇಶವನ್ನು ಉತ್ತರೇಖನ ನೀಡಿ ಬೆರಳಚ್ಚು ಮಾಡಿಸಿ ಪರಾಂಬರಿಸಿ, ಈ ದಿನಾಂಕ:19/06/2019 ರಂದು ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಘೋಷಿಸಿದೆ".

10. Thus the claim of Seenappa and his descendants to the land attached to the aforesaid offices having been rejected and same having been attained finality, contention of the respondent 14, 15 and 16 to say that the filing of the appeal by the petitioners and rejection of the same would enure to their benefit cannot be countenanced.



11. What remains therefore is whether the petitioners herein who claim to be the descendants of the holder of original office are entitled for the grant of land?

12. Since there is no rival claims by anyone whomsoever and claims if any made by Seenappa and descendants having been negated, it was not open for the Tahsildar or the appellate Court to have directed the petitioners to go to the Civil Court and establish their right which is an exercise in futility.

13. The Tahsildar under circumstances was only required to look into the claims made by the petitioners to the extent of the land if any and proceed to pass the order therewith. Indeed this was the line of direction which was issued by the Principal District Judge, Kolar in its order dated 17.04.2007 as per Annexure L. Relevant portion of the said order is extracted hereunder:

"6. In Mohamadsa and others case as reported in ILR 1988 Karnataka 2102 (DB), it has been held by the Hon'ble High court of Karnataka that member of a joint family have a right to seek his share in the land regranted since regrant does not take away the right he has as a member of the joint family. Only thing that such a member has to prove is that common propositus of the family was the holder of village office.



7. Rule 3 of the KVOA Rules 1961 speaks about the manner of holding enquiry. Rules have been framed as per Sec.3 of the KVOA Act. He has to hold an enquiry under sub rule (v) of Rule 3-as per the code. It should be a formal enquiry as contemplated under Secs. 33 and 34 of the Karnataka Land Revenue Act and he has to decide the questions by formulating necessary points for consideration. He is not empowered to delegate the power to decide any matter under sub rule (3) to any office subordinates. The Tahsildar is expected to hold an enquiry to ascertain whether the applicant is a holder of the village office immediately prior to coming into force of the act or a member of a family of the erstwhile authorised holder of the village office i.e., barawardar. Instead of passing an order of regnant, the tahsildar has virtually abdicated his responsibility by directing the parties to approach competent civil court to obtain a full pledged decision about the genuineness of the adoption deed relied upon by the appellants herein and the genuineness of the Will relied upon by Smt.Indiramma and Sheshagirirao".

14. Non application of mind by the Tahsildar into the provisions of law and the orders passed as far back as in the year 1923 and 2007 has resulted in this unwarranted litigation to linger up till here. It is unfortunate even the District Court in the Miscellaneous Appeal, has fallen into the similar error.

15. Having said that, the Tahsildar shall also make an enquiry as to the extent and survey numbers of the land being claimed by the petitioners.



16. Petitioners shall furnish details of the land, survey numbers and the measurement which according to them attached to the aforesaid two firkas, which they are laying their claim on. They shall also produce documents supporting their claim in this regard to the Tahsildar, who shall thereafter pass necessary orders. It is made clear there requires no further consideration or enquiry with regard to the claim of Seenappa or his descendants, the same having attained finality.

With the above observation, petition is ***disposed of***.

Sd/-
(M.G.S. KAMAL)
JUDGE