



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 10<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

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

**WRIT PETITION NO. 9062 OF 2021 (LR)**

**BETWEEN:**

1. SRI. RAJASHEKAR K V  
S/O LATE YEJAMAN EREGOWDA  
AGED ABOUT 50 YEARS

2. SRI. SRINGRIGOWDA  
S/O LATE SINGEGOWDA  
AGED ABOUT 75 YEARS

3. SRI MARISWAMY  
S/O LATE HOTTEGOWDA  
AGED ABOUT 60 YEARS

4. SRI PAPANNA  
S/O LATE KEMPAIAH  
AGED ABOUT 45 YEARS

ALL ARE R/AT KANNAMANGALA VILLAGE  
KASABA HOBLI, CHANNAPATNA TALUK,  
RAMANGARAM DISTRICT

...PETITIONERS

(BY SRI. JAYAKIRTHI M.C., ADVOCATE)

**AND:**

1. THE DEPUTY COMMISSIONER  
(ERSTWHILE DEPUTY COMMISSIONER)



BENGALURU RURAL)  
RAMANAGARA DISTRICT  
RAMANAGARA.

2. SRI. K.T. SRINIVAS  
S/O LATE THIRUVENKATAPPA  
AGED ABOUT 64 YEARS  
R/AT MARAGONDANAHALLI VILLAGE,  
MANDYA DISTRICT.

SMT. DEVAMMA W/O LATE MADAPPA  
SINCE DECEASED BY HER L.RS.,

- 3A. SRI NAGARAJ  
S/O LATE MADAPPA AND DEVAMMA  
AGED ABOUT 64 YEARS  
R/AT BELKAVADI VILLAGE  
MALAVALLI TALUK,  
MANDYA DISTRICT.

- 3B. SMT. BASAMMA  
DAUGHTER OF LATE MADAPPA  
LATE DEVAMMA  
AGED ABOUT 63 YEARS  
RESIDING AT CHIKKAVEENTONAHALLI  
KASABA HOBLI  
CHANNAPATNA TALUK  
RAMANAGAR DISTRICT

- 3C. SMT. MAHADEVAMMA  
W/O. LATE MADAPPA AND DEVAMMA  
AGED ABOUT 59 YEARS  
R/AT DODDA GANGAVADI  
KOOTAGAL HOBLI  
RAMANAGAR TALUK AND DISTRICT



- 3D. SMT. SHIVAMMA  
DAUGHTER OF LATE MADAPPA  
AND LATE DEVAMMA  
AGED ABOUT 55 YEARS  
MALLUR VILLAGE  
MALAVALLI TALUK  
MANDYA DISTRICT
4. SREE MADHAVARAYAASWAMY DEVARU  
KANNAMANGALA VILLAGE  
KASABA HOBLI, CHANNAPATNA TALUK,  
RAMANAGARAM DISTRICT
5. SREE BASAVESHWARA DEVARU  
KANNAMANGALA VILLAGE,  
KASABA HOBLI,  
CHANNAPATNA TALUK,  
RAMANAGARA DISTRICT.
6. GURUMATH  
KANNAMANGALA VILLAGE,  
KASABA HOBLI, CHANNAPATNA TALUK,  
RAMANAGARAM DISTRICT.
7. SRI. VANAJAKSHAMMA  
W/O K.R. KRISHNA MURTHY  
AGED ABOUT 81 YEARS  
R/AT NO.18/1, 7<sup>TH</sup> CROSS, J.C. NAGAR  
KURUBARAHALLI,  
BANGALORE - 560 086.
8. SRI RAMASWAMY K.R.  
S/O RAMASWAMY,  
AGED ABOUT 68 YEARS  
R/AT KALLIHOSUR



MYANAKANAHALLI POST,  
CHANNAPATNA TALUK,  
RAMANAGARA DISTRICT.

RESPONDENTS NO.7 AND 8 DELETED VIDE ORDER  
DATED 01.04.2022

9. SMT. JAYANTHI  
W/O LATE RAJAGOPAL  
KASABA HOBLI,  
CHANNAPATNA TALUK,  
RAMANAGARAM DISTRICT.
10. SRI. H.K. BOREGOWDA  
S/O. KALAI AH  
AGED ABOUT 39 YEARS  
R/AT NO.82/1, 1<sup>ST</sup> CROSS  
1<sup>ST</sup> MAIN, BRUNDAVANA LAYOUT  
DODDABELE ROAD  
Kenger, BENGALURU - 560 060
11. SRI. RAJU P.  
S/O. LATE PUTTAIAH  
AGED ABOUT 30 YEARS  
NO.52, 6<sup>TH</sup> MAIN, 6<sup>TH</sup> CROSS  
HOLY CHILD SCHOOL  
SRINIVASANAGAR  
BANASHANKARI  
BENGALURU - 560 050

...RESPONDENTS

(BY SMT. SHARADA H.V., AGA FOR R1, 4 to 6

SRI. LOKESH G., ADVOCATE FOR R2 AND R9



VIDE ORDER DATED 01.04.2022, R7 AND R8 ARE  
DELETED AT THE RISK OF THE PETITIONER  
SRI. G.V. SHASHI KUMAR, AND  
SRI. A.P. PULAKSHI, ADVOCATE FOR R10 AND R11 (NOC)  
VIDE ORDER DATED 28.07.2022,  
NOTICE IN R/O R3(C) ARE HELD SUFFICIENT  
SRI. S.B. MUKKANNAPPA R3(A, B AND D))

THIS WP FILED UNDER ARTICLE 227 OF THE  
CONSTITUTION OF INDIA PRAYING TO-SET ASIDE THE  
IMPUGNED ORDERS DATED 12.11.2004 PASSED BY R1 AS PER  
ANNEXURE F AND THE ORDER DATED 13.10.2017 IN APPEAL  
NO.170/2005 PASSED BY THE KARNATAKA APPELLATE  
TRIBUNAL AS PER ANNEXURE G AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING  
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS  
UNDER:

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



**ORAL ORDER**

In this petition, the writ petitioners are assailing the Order dated 12.11.2004 passed by respondent No.1 in LRF INM No.12/98-99 (Annexure-F) and Order dated 13.10.2017 in Appeal No.170/2005 on the file of the Karnataka Appellate Tribunal (Annexure-G), *inter alia*, sought for a direction to respondent No.1 to take over the land in question, on behalf of the State.

2. The relevant facts for adjudication of this petition are that, the petitioners claim to be the residents of Kannamangala village, Channapatna taluk, Bangalore South District and they are interested to protect the property of Sri Madhavarayaswamy temple and Basaveshwara Devaru temple. It is also stated that, the land bearing Survey No.133 measuring 6 acres 28 guntas and Sy.No.195 measuring 1 acre 23 guntas of Kannamangala Village was endowed with the above mentioned temples.

3. It is the case of the petitioners that respondent No.2, one Sanjeevaiah and another Mallamma claim to be the Archaks of the temple in question have made an application



seeking conferment of the occupancy right in respect of the land in question before the Land Tribunal at Channapatna.

4. It is further stated that the father of petitioner No.1 and several other villagers have approached this Court in WP No.2222/1984, WP.No.2055/1984 and WP No.2232/1984 challenging the order passed by the Land Tribunal conferring occupancy right in favour of the aforementioned Archaks on 16.03.1982 and the said order of conferment of the occupancy right was set aside by this Court by order dated 06.03.1991 (Annexure-A) in the aforementioned petition and thereafter, the matter was remitted to the competent authority for considering the material on record. Thereafter, an amendment was made to the Act and as such, the Competent Authority-Deputy Commissioner Bangalore (Rural), Bengaluru, had got the jurisdiction to, consider the case of the parties and as such, during the pendency of the petition before respondent No.1, one Smt. K. R. Jayanthi, claims to be the daughter-in-law of the original applicant Sri.Sanjeevaiah had filed an application as per Annexure-C to come on record as a legal representative of the deceased Sri.Sanjeevaiah. It is the case of the petitioner that the said application was opposed by the petitioners.



However, no order has been passed by the competent authority about the same. It is also stated in the writ petition that the other applicant, Sri.K.T.Srinivas, claims to be the legal representative of Thiruvengatappa, who claims to be the Archak of the temple in question and in respect of the said claim, it is the case of the petitioners that the said applicant was not cultivating the land prior to 3 years from the date of filing application and therefore, the present writ petition is filed by the Petitioners.

5. Sri. M.C.Jayakirthi, learned counsel appearing for the petitioners refers to the order sheet produced at Annexure-E before the competent authority and submitted that though the application is being filed by Smt. K. R. Jayanthi, claims to be the daughter-in-law of late Sanjeevaiah, however, no order has been passed by the competent authority and therefore, conferment of the occupancy right by the competent authority in favour of Smt. K. R. Jayanthi, is required to be interfered with in this petition.

6. Further, it is contended by the learned counsel appearing for the petitioners that, in respect of the claim made by Sri.K.T.Srinivas and Smt.Devamma, it is contended that the



said applicants were not in cultivation of the land prior to the vesting of the land during 1970 and therefore, sought for interference of this Court. In this regard, Sri. M.C.Jayakirthi, learned counsel appearing for the petitioners places reliance on the judgment of this Court reported in the case of ***M.N. SHIVAPPA VS. STATE OF KARNATAKA***<sup>1</sup> AND ***LAKKE GOWDA VS. H. VISVESWARA JOIS (DEAD) BY L.RS AND OTHERS***.<sup>2</sup> and contended that, the impugned orders passed by the competent authority, as well as the order passed by the Karnataka Appellate Tribunal requires to be set aside in this petition.

7. Per contra, Sri. G.V.Shashi Kumar, learned counsel representing respondent Nos.10 and 11 submitted that respondent Nos.10 and 11 were the purchasers of the land in question, from the original grantees. Therefore, it is submitted that, since the said respondents are in cultivation of the land in question, the writ petition does not survive for consideration.

8. It is further contended that, by referring to the finding recorded by the Karnataka Appellate Tribunal at paragraph No.12 and submitted that the application made by the said Smt. K. R. Jayanthi claims to be the daughter-in-law of

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<sup>1</sup> ILR 1986 KAR 2472

<sup>2</sup> 2008 (6) KLJ 710



Sanjeevaiah has been accepted and the entire proceedings have been conducted before the competent authority, the application has been accepted and therefore, no interference is called for, in this petition.

9. Insofar as the other applicant/Sri.K.T.Srinivas is concerned, Sri. G.V.Shashi Kumar, learned counsel submitted that the RTC Extracts, from the year 1968 onwards stands in the name of the original applicants. Therefore, same has to be considered by this court.

10. Smt. Sharada H.V, learned Additional Government Advocate for respondent No.1 produced the original records.

11. In the light of the submission made by the learned counsel appearing for the parties and careful consideration of the impugned order passed by the competent authority at Annexure-F, and also looking into the order sheet produced at Annexure-E would indicate that one Smt. K. R. Jayanthi, wife of late Sri.Rajagopal, had filed an application stating that she is the daughter-in-law of the original applicant Sri.Sanjeevaiah and the said application was opposed by the petitioners herein. However, there were no orders passed by the competent authority and therefore, in respect of the claim made by the



respondents in respect of the Smt. K. R. Jayanthi is concerned, I am of the view that the impugned orders at Annexure-F passed by respondent No.1 and Annexure-G passed by the KAT requires to be set aside.

12. In respect of the application made by the K.T.Srinivas is concerned, the grievance of the petitioners is that the said K.T.Srinivas was not being an applicant, was not cultivating the land prior to 3 years from the date of vesting is concerned, I find force in the submission of the learned counsel for the petitioners.

13. In this regard, Section 6A of the Mysore (Religious and Charitable) Inams Abolition Act, 1955, makes it clear that the applicant has to establish his possession and cultivation of the land in question prior to 3 years from the vesting of the land with the State Government. In that view of the matter, looking into the original records, I am of the view that the finding recorded by both the authorities requires to be set aside and the matter has to be re-agitated before respondent No.1 to reconsider the issue afresh after affording the opportunity of hearing to all the parties are concerned.



14. It is also open for the parties to place any relevant material before the competent authority to establish their right over the land in question. Accordingly, I pass the following order.

**ORDER**

- (i) Writ petition is ***allowed***.
- (ii) Order dated 12.11.2004 in LRF INM No.12/98-99 (Annexure-F) and Order dated 13.10.2017 in Appeal No.170/2005 on the file of the Karnataka Appellate Tribunal (Annexure G) are accordingly set aside.
- (iii) The matter is remitted to respondent No.1 to reconsider the issue afresh and after providing opportunity of hearing to all the parties concerned, take decision in the matter in accordance with law.
- (iv) It is also made clear that since the land in question has been sold in favour of the respondent Nos.10 and 11 by the original grantees and as the matter is being remitted to



respondent Nos.1 for fresh consideration, till the conclusion of the proceedings before respondent No.1, the possession of respondent Nos.10 and 11 in respect of the subject land is to be protected. However, respondent Nos.10 and 11 are restrained from changing the nature of the land as on today.

**SD/-**  
**(E.S.INDIRESH)**  
**JUDGE**

BH  
List No.: 1 Sl No.: 47