



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 983 OF 2025 (LR)

C/W

WRIT APPEAL NO. 1571 OF 2025

IN WA No. 983/2025

BETWEEN:

THE NEW TYPE MIDDLE
SCHOOL TRUST (R).,
KONAGAVALLI VILLAGE,
SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT - 577 416.
REP. BY ITS PRESIDENT
SRI. G.R. NAGENDRAPPA,
S/O LATE RUDRESHAPPA,
AGED ABOUT 72 YEARS.

...APPELLANT

(BY SRI. M S NAGARAJA., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDING,
BENGALURU - 560 001.



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2. THE LAND TRIBUNAL,
SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT,
SHIVAMOGGA - 577 201.
REP. BY ITS PRESIDENT/
THE ASSISTANT COMMISSIONER
SHIVAMOGGA - 577 201.

SRI. G. ESHAWARAPPA,
SINCE DEAD, REP. BY HIS LRS,

3. G.S. CHANDRASHEKAR,
S/O LATE G. ESHWARAPPA,
AGED ABOUT 61 YEARS,
R/AT YEREKOPPA VILLAGE,
HARANAHALLI VILLAGE,
SHIVAMOGGA TALUK
AND DISTRICT - 577 416.
4. THE NEW TYPE MIDDLE SCHOOL,
KONGAGAVALLI VILLAGE,
SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT - 577 416.
REP. BY ITS HEAD MASTER

...RESPONDENTS

(BY SRI.SRI JAYAKUMAR S. PATIL, SR. ADVOCATE FOR
SRI.VARUN J. PATIL, ADVOCATE FOR C/R3,
SRI. B. RAVINDRANATH, AGA FOR R1 AND R2,
R4 SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT,1961, PRAYING TO SET ASIDE
THE ORDER PASSED BY THE LEARNED SINGLE JUDGE OF THIS
HONBLE COURT IN WP NO.40839/2017 DATED:25.04.2025AND
ALLOW THE WRIT PETITION FILED BY THE PETITIONER IN WP
NO.40839/2017.



IN WA NO. 1571/2025

BETWEEN:

G ESHWARAPPA
SINCE DECEASED BY HIS LR
G.E. CHANDRASHEKAR,
S/O LATE G. ESHWARAPPA,
AGED ABOUT 61 YEARS,
R/AT YAREKOPPA VILLAGE,
HARANAHALLI VILLAGE,
SHIVAMOGGA TALUK
AND DISTRICT - 577 416.

...APPELLANT

(BY SRI.JAYAKUMAR S. PATIL, SR. ADVOCATE FOR
SRI.VARUN JAYKUMAR PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M.S.BUILDING,
BENGALURU - 560 001.
REP BY ITS PRINCIPAL SECRETARY.
2. THE LAND TRIBUNAL,
SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT - 577 201.
REP BY ITS SECRETARY
3. THE HEAD MASTER,
THE NEW TYPE MIDDLE SCHOOL,
KONAGAVALLI VILLAGE,
SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT - 577 201.
4. THE SECRETARY
THE NEW TYPE MIDDLE
SCHOOL TRUST,
KONAGAVALLI VILLAGE,



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SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT - 577 201.

...RESPONDENTS

(BY SRI. B. RAVINDRANATH, AGA FOR R1 AND R2)

WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE ABOVE APPEAL BY SETTING ASIDE THE ORDER DATED:25.04.2025 MADE IN WP No.46654/2017 PASSED BY THE LEARNED SINGLE JUDGE, IN THE INTEREST OF JUSTICE AND EQUITY.

THESE APPEAL ARE COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

These two intra-Court appeals by the petitioner Trust and Legal representative of respondent No.3 calling in question the common order dated 25.04.2025 passed by the Writ Court in W.P.No.40839/2017 (filed by the appellant herein in W.A.No.983/2025) and W.P.No.46654/2017 (filed by legal representative of respondent No.3 in W.A.No.1571/2025).



2. The Writ Court by means of common order stated supra, dismissed both the Writ Petitions, confirming the order passed by the Land Tribunal.

3. The parties are referred to as per their ranking before the Writ Court in W.P.No.40839/2017.

4. Brief facts leading to file the present appeals are as under:

4.1 It is the claim of LRs of respondent No.3 that original respondent No.3 (father of the appellant in W.A.No.1571/2025) was the Tenant under the Trust in respect of land bearing Sy.No.1 measuring 08 Acres 37 Guntas of Yerekoppa Village in Shivamogga. It was his further case that his father was tenant under the Trust since several years and the records since 1969-70 clearly indicate his rights. In that view of the matter, the order of the Tribunal registering his father only in respect of 04 Acres and rejecting



his application for the remaining 04 Acres 37 Guntas is illegal.

4.2 It was the claim of the petitioner Trust before the Writ Court that the land was originally belonging to Late Chelur Rudrappa of Yerekoppa, who has donated the land to the Trust which is running a School. The so called tenant was none other than the brother of the President. In that view of the matter, there is no question of tenancy being created. The Trust is running a School in the part of the land and cultivating other part of the land on its own and using the same for the betterment and development of the School. In that view of the matter, the application filed by the so called tenant is not maintainable in law and the Tribunal has failed to consider this aspect of the matter while granting 04 Acres of land to respondent No.3 and rejected his claim for 04 Acres 37 Guntas of land, out of 08 Acres 37 Guntas. Accordingly, sought to set-aside the order



passed by the Tribunal to extent of granting occupancy rights and to reject Form-7.

4.3 Both the petitions were connected and taken up for final disposal by the Writ Court. Both the parties have placed strong reliance on the records maintained by the Trust for the year 1967 and 1696 and thereafter.

4.4 The Writ Court after considering the rival contentions and verifying the documents placed on record, was of the opinion that the contention that the brother of land owner cannot maintain application cannot be countenanced and having considered the fact that the Trust was running a School in rest of 04 Acres 37 Guntas of land, found that the Land Tribunal in its wisdom has considered the application only to the extent of 04 Acre in the factual aspect of the matter and maintained the order of the Land Tribunal by dismissing both the petitions. It is this common order



passed by the Writ Court is called in question in these two Writ Appeals.

5. Heard, Sri.M.S.Nagaraj, learned counsel appearing for the Trust, Sri.Jayakumar S.Patil, learned Senior counsel assisted by Sri.Varun J.Patil, learned counsel appearing for the legal representative of respondent No.3 and Sri.B.Ravindranath, learned Additional Government Advocate appearing for the State.

6. At the outset, Sri.Jayakumar S.Patil, learned Senior counsel makes it very clear that the Writ Petition was filed only as a counter to the Writ Petition filed by the Trust calling in question the order to remove any technicalities that, the part of the land was ordered to be retained with the Trust and he is maintaining the very same argument before this Court stating that the Writ Appeal is filed only to eradicate any such technicality, as the Tenant is satisfied with the order passed by the Land



Tribunal granting occupancy rights in respect of 04 Acres of land.

7. Mr.M.S.Nagaraj, with all vehemence submits that the application by the brother in the land of his elder brother claiming to be the Tenant is not maintainable. Secondly, there cannot be any tenancy created in respect of land belonging to a public Trust. Both the Land Tribunal as well as the Writ Court have failed to consider this aspect of the matter. With this, he sought to allow the Writ Appeal filed by the Trust.

8. To the query of the Court, Mr.M.S.Nagaraj, regarding the bar of brother cultivating the land as tenant in the land of his elder /younger brother or seeking tenancy rights in the land belonging to a Public trust, though he is unable to answer the first question, however to the second question, he tried to impress us by referring to Section 107 of the Karnataka Land Reforms Act, 1961, which prescribes that the Act is not applicable in respect of



certain lands and submits that entertaining the application by the Land Tribunal is not sustainable as the application itself is not maintainable. However, a perusal of Section 107 of which reads as under:

"107. Act not to apply to certain lands.—(1) Subject to the provisions of section 110, nothing in this Act, except section 8, shall apply to lands,—

(i) belonging to Government;

2[(ii) x x x]

(iii) belonging to or held on lease or from a local authority, an Agricultural Produce Marketing Committee constituted under the Karnataka Agricultural Produce Marketing Regulation Act, 1966 (Karnataka Act 27 of 1966), a University established by law in India, [a research institution owned or controlled by the State Government or the Central Government or both] [an Agricultural Research Institution recognised by the State Government or the Central Government], the Karnataka Bhoodhan Yagna Board established under the Karnataka Bhoodhan Yagna Act, 1963 (Karnataka Act 34 of 1963);

(iv) given as a gallantry award;

[(iva) granted by the State Government to a Research Institution affiliated to a university established by law in India.]

(v) used for such stud farms as are in existence on the 24th day of January 1971 and approved by the State Government ,subject to such rules as may be prescribed;



(vi) used for the cultivation of linaloe;

(vii) held by the Coffee Board constituted under the Coffee Act, 1942 (Central Act 7 of 1942) for purposes of research, development or propoganda:

[(viii) held by any corporation owned or controlled by the State Government or the Central Government or both;]

Provided that in the case of lands belonging to or held on lease from the Karnataka Bhoodhan Yagna Board, the exemption under this section shall not be applicable if such lands were in the possession of tenants on the date of donation to the said Board.

Provided further that, notwithstanding anything contained in this sub-section, the extent of land leased to a local authority, a committee, a University, an institution, or a Board, referred to in clause (iii) shall count for the purpose of determining the surplus land to be surrendered by the owner thereof.

(2) Notwithstanding anything in sub-section (1), no person shall, after the date of commencement of the Amendment Act acquire in any manner for the cultivation of linaloe, land of an extent which together with the land cultivated by linaloe, if any, already held by him exceeds ten units.

(3) In respect of every acquisition contrary, to sub-section (2), the provisions of sections 66 to 76 shall mutatis mutandis apply.

there is nothing indicates which bars the application of the Act in respect of land belonging to a Trust. When this was



again questioned, learned counsel Sri.M.S.Nagaraj, tried to argue that there is no record to evidence that tenant was cultivating the land.

9. The Writ Court has extracted the minutes of the record placed before it by means of memo dated 12.02.2024, which clearly shows that the Trust since 1961-62 has given the land to the tenant for cultivation.

10. In view of the failure of the petitioner on both the ground regarding, the brother as Tenant in the land belonging to his elder/younger brother cannot maintain Form No.7 and the land belonging to a Public Trust is not amenable to seek tenancy rights and in the presence of the documents which clearly show that the tenant was in cultivation of the land, however only respect of 04 Acres considered by the Tribunal on factual reality, that the Trust is running a School in other part of the land, the Land Tribunal in its wisdom had passed the order. We are of the considered view that the Writ Court after



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considering the entire documents placed on record, has taken a proper decision in declining to interfere with the order passed by the Land Tribunal. In that view of the matter, both the appeals filed by the parties i.e., landlord/ Trust as well as tenant sans merits and are accordingly, ***dismissed***. However, no order as to costs.

11. In view of dismissal of the Writ Appeals, pending interlocutory applications, if any, stand disposed of.

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

**Sd/-
(T.M.NADAF)
JUDGE**

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List No.: 1 Sl No.: 8
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