



CNR: KAHC010653092024

NC: 2026:KHC:40259-DB
WA No. 1680 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 1680 OF 2024 (LR)

BETWEEN:

SRI CHANDRAPPA,
S/O LATE.MOTAMUNIYAPPA
SINCE DECEASED BY HIS LR'S

1. SMT. LAKSHMAMMA,
W/O LATE. CHANDRAPPA,
AGED ABOUT 56 YEARS,
2. SRI. MUNIRAJU,
S/O LATE.CHANDRAPPA
AGED ABOUT 37 YEARS,
3. SMT. AMBIKA,
D/O LATE. CHANDRAPPA,
AGED ABOUT 33 YEARS,
4. SRI. C. VENKATESH,
S/O LATE.CHANDRAPPA,
AGED ABOUT 30 YEARS,
5. SRI. C. NARAYANA,
S/O LATE.CHANDRAPPA,
AGED ABOUT 28 YEARS,

Digitally
signed by
REKHA R
Location:
High
Court of
Karnataka



NC: 2026:KHC:40259-DB
WA No. 1680 of 2024

CNR: KAHC010653092024

ALL ARE RESIDING AT:
R/AT KONADASAPURA VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560 049.

...APPELLANTS

(BY SRI. SATISH K., ADVOCATE)

AND:

1. SRI. VENKATESH,
S/O LATE. SRI. NAIKARA EERAPPA,
AGED ABOUT 57 YEARS,
RESIDING AT NO.76/2,
KONADASAPURA VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK - 560 120.
2. SRI. RAJAPPA,
S/O LATE. SRI.NAIKARA EERAPPA,
AGED ABOUT 56 YEARS,
RESIDING AT NO.76/1,
KONADASAPURA VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK - 560 120.
3. SRI. VENKATARAM,
S/O LATE. SRI.NAIKARA EERAPPA,
AGED ABOUT 57 YEARS,
RESIDING AT NO.76/1,
KONADASAPURA VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK - 560 120.
4. SRI. NAGENDRANATH,
S/O SRI. Y.N NARAYANA REDDY,
AGED ABOUT 62 YEARS,



CNR: KAHC010653092024

RESIDING AT NO.29,
LAKSHMI NARASIMHASWAMY NILAYA,
GANGOTHRI 2ND MAIN ROAD,
KRISHNARAJAPURAM NEW EXTENSION,
BENGALURU - 560 036.

5. SMT. NAGAMANI,
D/O LATE. MUNISWAMAPPA,
AGED ABOUT 51 YEARS,
RESIDING AT:
KONADASAPURA VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560 049.
6. SRI. NARAYANASWAMY,
S/O SRI. BADDIGAPPA,
AGED ABOUT 53 YEARS,
RESIDING AT NO.76/1,
KONADASAPURA VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560 120.
7. THE STATE OF KARNATAKA
BY ITS SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDING,
DR.AMEDKAR VEEDHI,
BENGALURU - 560 001.
8. THE LAND TRIBUNAL,
BENGALURU NORTH (ADDL) TALUK,
BENGALURU - 560 009.
9. THE ASSISTANT COMMISSIONER,
BENGALURU NORTH SUB-DIVISION,



CNR: KAHC010653092024

**NC: 2026:KHC:40259-DB
WA No. 1680 of 2024**

D.C OFFICE COMPLEX,
NEAR CAUVERY BHAVAN,
BENGALURU - 560 001.

10. THE SPECIAL TAHASILDAR,
BENGALURU EAST TALUK,
K.R PURAM,
BENGALURU - 560 043.

...RESPONDENTS

(BY SRI. PRASANNA KUMAR P., ADVOCATE FOR R1 TO R3,
SRI. NAGENDRANATH S.D., ADVOCATE FOR R4,
SRI. B. RAVINDRANATH, AGA FOR R7 TO R10,
R5 AND R6 ARE SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE IMPUGNED ORDER DATED:21.03.2024 PASSED BY THE
LEARNED SINGLE JUDGE OF THIS HON'BLE HIGH COURT OF
KARNATAKA IN WP No.8410/2013 (LR) AND GRANT SUCH
OTHER OR DIRECTIONS AS THIS HON'BLE COURT DEEMS FIT
UNDER THE CIRCUMSTANCES OF THE CASE, INCLUDING
COSTS, IN THE INTEREST OF JUSTICE AND EQUITY.

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

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



CNR: KAHC010653092024

ORAL JUDGMENT

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

The legal representatives of Chandrappa - respondent No.7 in W.P.No.8410/2013 are before us, assailing the order dated 21.03.2024 passed by the Writ Court.

2. The Writ Court under the impugned order, allowed the Writ Petition and granted the reliefs sought for.

3. The parties are referred to as per their ranking before the Writ Court.

4. Facts germane to file the present appeal are as under:

4.1 What transpires from the record is, Nagamani, Narayana Swamy and Chandrappa were before the Writ Court in W.P.No.47263-265/2011 seeking for direction to the Tribunal to consider application filed



CNR: KAHC010653092024

by their fathers respectively in Form No.7 for grant of occupancy right in respect of Sy.No.24 of Konadasapura Village, Bidarahalli Hobli, Bangalroe East Taluk.

4.2 The Government pleader appearing for the State in the said Writ petition had submitted that the case of the petitioners has already been considered for grant of occupancy rights and therefore, the claim of the petitioners was not genuine. Nevertheless, the Writ Court passed the order on 05.06.2012, disposing the Writ Petitions with the observation that, if the predecessor of the petitioners had filed Form No.7 at the relevant point of time as per the records and if the Tribunal has not considered the same, the same may be considered in accordance with law.

4.3 Thereafter, the Land Tribunal passed orders in favor of the Writ Petitioners in the Writ Petitions stated afore. The order passed by the Land Tribunal was



CNR: KAHC010653092024

subject matter in batch of Writ Petitions including W.P.No.8410/2013, dated 29.01.2013 (wrongly mentioned as 29.01.2012), confirming occupancy rights to an extent of land in Sy.No.24.

4.4 Before the Writ Court, it was contended by the petitioners that the Tribunal has failed to consider the direction in its true spirit. The direction issued by the Writ Court in the Writ Petitions afore was the Land Tribunal has to ascertain whether there were applications filed by the petitioners' predecessors and then to proceed to hold enquiry and pass appropriate orders. However, without verifying as to whether any Form No.7 has been filed or not, the Tribunal has passed the orders.

4.5 Per contra, the contesting respondents submitted that the petitioners have no *locus standi* to question the order passed by the Land Tribunal.



CNR: KAHC010653092024

4.6 The Writ Court after considering the arguments, held that the contention of the contesting respondents cannot be countenanced. The Writ Court further observed that the earlier Writ Petition stated afore was disposed of directing the Land Tribunal to verify as to whether the petitioners' predecessors have filed any Form No.7 at the relevant point of time and if not considered, to consider the same in accordance with law.

4.7 The Writ Court has categorically stated that in so far as Munishamappa, Baddigappa and Motamuniyappa are concerned, as per the order dated 09.11.2010 the Land Tribunal has come to a conclusion that said persons have not filed application in Form No.7. In that view of the matter, the Land Tribunal could not have considered the plea of Chandrappa and others, who claim under Motamuniyappa, as the claim made by their father before the Tribunal has already been considered and rejected. However, the order passed



CNR: KAHC010653092024

**NC: 2026:KHC:40259-DB
WA No. 1680 of 2024**

on 09.11.2010 was not under challenge. Having considered these aspects of the matter, the Writ Court was of the opinion that the order dated 29.01.2013 (wrongly mentioned as 29.01.2012) passed by the Land Tribunal is not sustainable and subsequent action for phodi and durasth at the hands of the Survey Settlement authorities or the revenue authorities also cannot be sustained. Accordingly, allowed the Writ Petition along with other petitions and passed the common order. It is this common order passed by the Writ Court, is called in question in this appeal.

5. Heard, Sri.Satish.K, learned counsel appearing for the appellants, Sri.Prasanna Kumar.P, learned counsel appearing for respondents 1 to 3, Sri.Nagendranath.S.D, learned counsel appearing for respondent No.4 and Sri.B.Ravindranath, learned Additional Government Advocate, appearing for the State.



CNR: KAHC010653092024

**NC: 2026:KHC:40259-DB
WA No. 1680 of 2024**

6. Having considered the rival submissions, we are of the opinion that the only question which is involved in the Writ Appeal is that, whether the appellants' predecessor-in-interest has filed Form No.7 seeking occupancy rights in respect of the land measuring 02 Acres in Sy.No.24 situated at Konadasapura Village, Bidarahalli Hobli, Bangalroe East Taluk, in view of the findings recorded by the Writ Court as against the finding recorded by the Tribunal in the impugned order dated 29.01.2012 stating that the Mota Muniyappa, predecessor under whom Chandrappa and the appellants herein claim rights, did not file the applications in Form No.7.

7. In order to ascertain the veracity of distinct findings, we have directed the learned Additional Government Advocate to secure original land records. Learned AGA had furnished the original records before the Land Tribunal in respect of the subject land. With the help of learned AGA, we have perused the entire records. There is no Form No.7 found in the entire record.



CNR: KAHC010653092024

8. From this it is clear that, the Writ Court is right in holding that, there is no Form No.7 filed by Mota Muniyappa under whom Chandrappa and now the appellants herein claiming right.

9. Though Sri.Satish.K, in feeble voice tried to impress upon us by means of certified copy of purported Form No.7 alleged to have been filed. In view of categorical firm stand of the Government and from the records, since there is no corresponding original record found, we decline to consider the submission of Sri.Satish.K.

10. The non-filing of Form No.7 goes to the roots of the claim. In view of non-filing of Form No.7, the Land Tribunal erred in granting occupancy rights. In that view of the matter, we are of the considered opinion that the Writ Court having considered the entire fact in right perspective, allowed the Writ Petition. We find no infirmities in the order passed by the Writ Court. The Writ



CNR: KAHC010653092024

NC: 2026:KHC:40259-DB
WA No. 1680 of 2024

Appeal sans merits and is ***dismissed***. However, costs made easy.

11. In view of dismissal of the Writ Appeal, pending interlocutory applications, if any, stands disposed of.

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

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

TKN
List No.: 1 Sl No.: 20
ct-vn