HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 947 OF 2026 (LR)

BETWEEN:

SRI T R GOPALAIAH
S/O RAMAIAH,
AGED ABOUT 75 YEARS,
R/O THINDLU VILLAGE,
SARJAPUR HOBLI,
ANEKAL TALUK-5625125,
BENGALURU URBAN DISTRICT.

...APPELLANT

(BY SRI. MITHUN G A., ADVOCATE)

Digitally signed by REKHA R
Location: High Court of Karnataka

AND:

1. SRI SHIVASHANKAR
S/O NANJUNDAPPA,
AGED ABOUT 58 YEARS,
R/O THINDLU VILLAGE,
SARJAPUR HOBLI,
ANEKAL TALUK
BENGALURU 562 512.

2. SRI. T.S. SHIVANNA
S/O CHIKKABASAPPA

AGED ABOUT 75 YEARS
R/O THINDLU VILLAGE,
SARJAPUR HOBLI,
ANEKAL TALUK-5625125.

3. THE TAHSILDAR
ANEKAL TALUK,
ANEKAL-5625125,
BENGALURU URBAN DISTRICT.

4. THE LAND TRIBUNAL
ANEKAL TALUK,
ANEKAL REP BY ITS SECRETARY.

…RESPONDENTS

(BY SRI.M.N.SUDEV HEGDE, AGA FOR R-3 AND R-4)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER OF LEARNED SINGLE JUDGE PASSED IN RP NO.859/2022 DATED 23/09/2025, HOLDING THAT THE PETITIONER/APPELLANT IS THE ABSOLUTE OWNER OF THE SUBJECT PROPERTY, BY ALLOWING THIS MEMORANDUM OF WRIT APPEAL.

THIS APPEAL, 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

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The office objection regarding maintainability is over ruled.

2. The present intra Court appeal is filed impugning the judgment and order dated 23.09.2025 passed in R.P.No.859/2022 c/w R.P.Nos.863/2022, 492/2023 and 493/2023, which came to be filed for review of order dated 31.05.2022 in W.P.Nos.21538/2010 and 14533/2008. The learned Single Judge while allowing the review petition in paragraph Nos.4 to 6 has recorded as under:

> *"4. Learned Counsel for the respondent viz., Sri T.R.Gopalaiah, submits that this Court has taken into consideration the fact that Sri T.S.Shivanna never denied that his application filed earlier was rejected in the year 1982. This Court therefore came to a conclusion that Sri T.S.Shivanna along with Sri Shivashankar could not have maintained a second application.*

5. In the considered opinion of this Court, there are several other issues that require consideration, having regard to the fact that it is now contended by the learned Counsel for the respondent that Sri T.R. Gopalaiah also filed an application in LRF ATC 100/1975-76 and the same was rejected by the Land Tribunal on 31.08.1975. No doubt, the said order passed by the Land Tribunal was set aside at the hands of this Court in W.P.No.14645/1984 which was renumbered as W.P.No.12956/1996 dated 13.10.1998, but the issue that is required to be considered is whether T.S.Shivanna had an independent claim or whether he claimed under Sri Nanjundappa, who is also the father of Sri Shivashankar. These are all issues that are to be considered at the hands of this Court.

6. In that view of the matter, this Court is of the considered opinion that the learned Senior Counsel appearing for the review petitions has made out a case that there is an error apparent on the face of the record."

3. The learned Single Judge has directed re-hearing of the writ petitions afresh after recalling the earlier order dated 31.05.2022, passed in the review petition as mentioned in paragraph Nos.4 to 6 of the impugned judgment, extracted hereinabove. All

contentions of the parties are left open by the learned Single Judge.

4. We are of the considered opinion that the impugned judgment and order does not require any interference inasmuch as whether Sri.T.S.Shivanna would have an independent claim or whether he claim under his father Nanjundappa, who is also father of Sri.Shivashankar, these issues are to be considered by the Court, which were earlier not considered in the judgment and order dated 31.05.2022. By keeping all the contentions open, the writ petitioners are to be re-heard.

5. We do not find any error in the impugned judgment and order passed by the learned Single Judge. Accordingly, writ appeal is ***dismissed***, with liberty to the parties to take all contentions which are available under the law in support of their case and put forth before the learned Single Judge.

In view of disposal of the appeal, pending I.As., if any, does not survive for consideration and the same are disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

BK
List No.: 1 Sl No.: 20