HC-KAR

NC: 2026:KHC:62290
WP NO.19287 OF 2022

CNR: KAHC010442022022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO.19287 OF 2022 (LR)

BETWEEN:

THIMMAIAH
SINCE DECEASED REP. BY HIS LR.

SRI. NARASIMHA MURTHY T.
S/O LATE THIMMAIAH,
AGED ABOUT 61 YEARS,
R/AT TALAGAVAARA VILLAGE,
KODIGEHALLI POST,
DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT – 561 203.

…PETITIONER

(BY SRI. SRIKANTH N.V., ADVOCATE)

AND:

1. THE LAND TRIBUNAL
   REP. BY ITS PRESIDENT AND
   ASSISTANT COMMISSIONER,
   DODDABALLAPURA SUB-DIVISION,
   DODDABALLAPURA TALUK,
   BENGALURU RURAL DISTRICT – 561 203.

   T.N. NARAYANAGOWDA
   SINCE DEAD BY HIS LRS.

2. SRI. T.N. ANJANEGOWDA
   S/O LATE T.N. NARAYANAGOWDA
   AGE: MAJOR,
   R/A TALAGAVAARA VILLAGE,
   KODIGEHALLI POST,
   KASABA HOBLI,
   DODDABALLAPURA TALUK,
   BENGALURU RURAL DISTRICT – 561 203.

Digitally signed by CHAITRA S A
Location: HIGH COURT OF KARNATAKA

3. SMT. SHANTHAMMA
W/O LATE T.N. NARAYANAGOWDA,
AGE: MAJOR,
R/AT GANTIGAANAHALLI VILLAGE,
YELAHANKA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU.

4. SMT. INDIRAMMA
D/O LATE T.N. NARAYANAGOWDA
AGE: MAJOR
R/AT GANTIGAANAHALLI VILLAGE,
YELAHANKA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU.

5. SRI. SATHISH KUMAR
S/O LATE T.N. NARAYANAGOWDA,
AGE: MAJOR
R/AT TALAGAVAARA VILLAGE,
KODIGEHALLI POST,
DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT – 561 203.

…RESPONDENTS

(BY SMT. SHARADA H.V., AGA FOR R1;
SRI. UNNIKRISHNAN M., ADVOCATE FOR R2 TO R5)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER PASSED BY THE RESPONDENT NO.1-LAND TRIBUNAL IN CASE NO.LRF:862/1975-76 DATED 02ND MARCH, 2018 VIDE ANNEXURE-A; 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 writ petition, petitioner is challenging the order dated 02nd March, 2018 (Annexure-A) passed by the respondent No.1-Land Tribunal in case No.LRF:862/1975-76.

2. Heard Sri. Srikanth N.V., learned counsel appearing for the petitioner; Smt. Shardha H.V., learned Additional Government Advocate appearing for the respondent No.1 and Sri. Unnikrishnan M., learned counsel appearing for respondents 2 to 5.

3. Sri. Srikanth N.V., learned counsel appearing for petitioner contended that, no fair opportunity was extended to the petitioner and his father at the time of hearing by the respondent No.1-Land Tribunal in the impugned proceedings. It is also submitted by learned counsel appearing for the petitioner that the subject land is Neeraganti Inamthi Land as per the RTC Extracts and respondents 2 to 5 herein were not in cultivation of the same. Accordingly, sought for interference of this Court.

4. Per contra, Sri. Unnikrishnan M., learned counsel appearing for respondents 2 to 5 submits that the respondent

No.1-Land Tribunal, after considering the material on record, particularly the entry of the name of the father of respondents 2 to 5 *viz.,* T.N. Narayana Gowda in the Cultivator's column of the RTC extracts from the year-1968 onwards, had rightly arrived at a conclusion that, T.N. Narayana Gowda was in cultivation of the subject land and respondent 2 to 5 are the legal heirs of late T.N. Narayana Gowda. Accordingly, he sought for dismissal of the petition.

5. Smt. Sharada H.V., learned Additional Government Advocate appearing for the respondent No.1 produced the original records before this Court and sought for disposal of the petition.

6. In the light of the submission made by learned counsel appearing for the parties, it is not in dispute that, late T.N. Narayana Gowda has filed Form No.7 as per Annexure-B to the writ petition in respect of the subject land, claiming occupancy right. The respondent No.1-Land Tribunal, after considering the material on record, particularly the RTC extracts from the year-1968 onwards, had rightly arrived at a conclusion that the late T.N. Narayana Gowda was in cultivation

of the subject land. Therefore, taking into account the fact that the subject land was in cultivation by T.N. Narayana Gowda on 01st March, 1974 and after his death, the respondents 2 to 5 are continuing the cultivation of same, the respondent No.1-Land Tribunal conferred occupancy right in favour of legal representatives of late T.N. Narayana Gowda (respondents 2 to 5 herein). In that view of the matter, following the law declared by this Court in the case of ***KRISHNA BHAT vs. LAND TRIBUNAL, BANTWAL*** reported in *ILR 1986 KAR 1574,* in respect of ingredients to be satisfied to confer the occupancy rights as required under Sections 44 and 45 of the Karnataka Land Reforms Act, I am of the view that the reasoned order has been passed by the respondent No.1-Land Tribunal. Therefore, no interference be called for in this petition. Accordingly, writ petition ***dismissed.***

Sd/-
(E.S. INDIRESH)
JUDGE

ARK
List No.: 1 Sl No.: 42