RESERVED ON 16TH OCTOBER 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO.1833 OF 2026 (LR)

BETWEEN:

SRI KRISHNAPPA B. AMIN
SINCE DECEASED REP. BY LR.

SRI. VIVEKANANDA AMIN
S/O LATE KRISHNAPPA .B AMIN,
AGED ABOUT 45 YEARS,
RESIDING AT POOJARY HOUSE,
TIRUVAIL VILLAGE, VAMANJUR,
MANGALURU TALUK,
D.K. DISTRICT – 575 028.

…APPELLANT

(BY SRI. DHANANJAY KUMAR, ADVOCATE)

Digitally signed by
MAHALAKSHMI B M
Location: High Court
of Karnataka

AND:

1. THE LAND TRIBUNAL
   BANTWAL TALUK,
   D.K. DISTRICT – 574214,
   REPRESENTED BY ITS CHAIRMAN.

2. MARIAN PARIS BHAT
   S/O LATE GILBERT PARIS BHAT,
   AGED ABOUT 68 YEARS,
   LIGHT HOUSE HILLS,
   BAVUTA GUDDE, MANGALURU,
   D.K. DISTRICT – 575 001.

…RESPONDENTS

(BY SMT. NAVYA SHEKAR, AGA FOR R-1;
SRI. D.R. RAVISHANKAR, SENIOR ADVOCATE A/W
SRI. ABHISHEK MARLA, ADVOCATE, FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 13.07.2026 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.4829/2017 AND CONSEQUENTLY SET ASIDE THE ORDER DATED 18.09.2015 PASSED BY THE LAND TRIBUNAL, MANGALORE IN LRT NO.1103/1978-79 AND ETC.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU ,CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

C.A.V. JUDGMENT

(PER: HON'BLE MRS. JUSTICE K.S. HEMALEKHA)

1. The appellant, who is the legal representative of the original petitioner in Writ Petition No.4829/2017 [LR] has preferred this intra-Court appeal assailing the order dated 13.07.2026 passed by the learned Single Judge, whereby the Writ Petition challenging the order dated 18.09.2015 passed by the Land Tribunal, Mangaluru, in L.R.T No.1103/1978-79, rejecting the application seeking rectification of its earlier order dated 20.10.1981, came to be dismissed.

PREFATORY FACTS

2. Late Sri Bogga Poojari, the father of the original petitioner, had taken several agricultural lands on Chalageni lease from his landlord, Sri Gilbert Philip Paris, situated in Tiruvail and Bodanthila Villages of Mangaluru Taluk and was cultivating the said lands as a tenant. Upon his demise, his wife, Smt.Doomu Poojarthy, along with her children continued cultivating the lands.

3. After the Karnataka Land Reforms Act, 1961 [**KLR Act**] came into force, Smt. Doomu Poojarthy submitted an application in Form No.7 under Section 48A (1) of the KLR Act seeking registration of occupancy rights in respect of the lands situated in the aforesaid villages. The land claimed in Tiruvail village included Sy.Nos.36/2A, 36/3, 39/2, 36/4, 36/6, 35/1 and 36/2B, whereas those claimed in Bodanthila village included Sy.Nos.12/2A, 12/1, 11/2, 6/1, 9/2, 10/3 and 10/1. The Land Tribunal, after conducting an enquiry and considering the relevant revenue records and survey reports, passed an order dated 20.10.1981 granting occupancy rights in favour of Smt.Doomu Poojarthy. However, according to the petitioner, while passing the said order, the Land Tribunal erroneously

mentioned the village as Tiruvail in respect of certain survey numbers pertaining to Bodanthila Village. It is stated that during the course of the proceedings for implementation of the order granting occupancy rights, the Special Revenue Inspector conducted spot inspection and prepared a mahazar in the year 1982, wherein the discrepancies relating to the village description was noticed. However, no correction was effected.

4. The original petitioner approached this court in Writ Petition No.4614/1988 seeking rectification of the said error. By the order dated 15.10.1990, this Court rejected the writ petition leaving it open to the petitioner to pursue the remedy before the Land Tribunal under Section 48(A) of the KLR Act. Subsequently, Smt.Doomu Poojarthy submitted an application dated 30.08.1991 referring to Sy.Nos.11/2, 6/1, 9/2, 10/3 and 10/1 in Bodanthila Village requesting consideration of the declaration submitted by her, stating that no enquiry had been conducted. Thereafter, the original petitioner, Sri.Krishnappa, claiming to be her legal representative, submitted another application dated 01.01.1997 alleging that the granted occupancy rights in favour of Late Smt. Doomu Poojarthy had erroneously been described as situated in Tiruvail instead of

Bodanthila village. In the said application, he also sought consideration of the claim relating to Sy.Nos.36/2A, 36/3, 39/2, 36/4, 36/6, 35/1 and 36/2B situated in Tiruvail Village.

5. During the pendency of the proceedings, respondent No.2 initiated proceedings under Section 136 (2) of the Karnataka Land Revenue Act, 1964 [**KLRA Act**] seeking alteration of the revenue entries in favour of the legal representatives of the original landlord. The order passed in the said proceedings was challenged before the Deputy Commissioner who set aside the same and remanded the matter for fresh consideration.

6. The Land Tribunal by order dated 18.09.2015 rejected the application seeking rectification observing *inter alia* that no correction application filed prior to the disposal of Writ Petition No.4614/1988 passed on 15.10.1990 was available in the records, whereas an application dated 01.01.1997 was found.

IMPUGNED ORDER

7. The learned Single Judge held that the Tribunal has rightly rejected the application seeking correction of survey numbers and the village. The learned Single Judge noticed that although the order dated 15.10.1990 passed in Writ Petition

No.4614/1988 recorded that an application for rectification had already been filed, the application available in records was dated 01.01.1997. The learned Single Judge placing reliance on the judgment of the Supreme Court in the case of **Narayanappa (Dead) by LRs vs B.S.Ramaswamy (Dead by L.Rs and Others)**[1] held that the petitioner cannot be permitted to seek rectification of the survey numbers as well as the village in respect of which the original order was passed by the Land Tribunal. Consequently, the writ petition came to be dismissed.

CONTENTIONS

8. The learned counsel appearing for the appellant contends that the Land Tribunal failed to appreciate that Smt.Doomu Poojarthy had submitted an application in Form No.7 in respect of lands situated in two different villages, namely Tiruvail and Bodanthila. The lands pertaining to each village were separately identified by their respective survey numbers and extents. It is submitted that the proposal portion of the Land Tribunal's order dated 20.10.1981 refers to lands situated in Tiruvail Village, whereas the operative portion grants occupancy in respect of survey numbers pertaining to Bodanthila village, while

[1] AIR 2016 SC 3635

erroneously describing the village as Tiruvail. It is contended that the survey report and the mahazar prepared by the Special Revenue Inspector would indicate that the discrepancy was noticed as early as in the year 1982. It is contended that the Land Tribunal ought to have considered the applications dated 30.08.1991 and 01.01.1997 with reference to the original Form No.7 applications, the order dated 20.10.1981 and other contemporaneous documents.

9. The learned counsel submits that the decision of the Supreme Court in **Narayanappa** (*supra*) was erroneously applied by the learned Single Judge without examining whether the correction sought was merely clerical or involved a substantive alteration of the original grant of occupancy rights.

10. Per contra, the learned senior counsel appearing for the contesting respondent submits that the appellant, the original petitioner and his mother, under the guise of correction of a clerical error, seek alteration of the survey numbers and village mentioned in the original order of the Land Tribunal. Such alteration would amount to substantive modification of the grant of occupancy rights, which is impermissible under Section 48A (6) of the KLR Act. It is contended that although the earlier order

dated 15.10.1990 in Writ Petition No.4614/1988 recorded that an application for rectification had already been filed, no such application was available in records. It is submitted that the application dated 01.01.1997 was submitted subsequently.

Reasons and conclusion

11. At the outset, it is necessary to notice that Smt.Doomu Poojarthy had submitted application in Form No.7 claiming occupancy rights in respect of the lands situated at Tiruvail and Bodanthila villages. The order dated 20.10.1981 passed by the Land Tribunal (Annexure-G) refers in its proposal portion to Sy.Nos.36/2A, 36/3, 39/2, 36/4, 36/6, 35/1 and 36/2B of Tiruvail Village. However, the operative portion records the grant of occupancy rights in respect of Sy.Nos.11/2, 6/1A, 9/2, 10/3 and 10/1 describing those lands as situated at Tiruvail Village. It is further noticed that Smt. Doomu Poojarthy submitted an application dated 30.08.1991 referring to Sy Nos.11/2, 6/1, 9/2, 10/3 and 10/1 and requesting the consideration of the declaration submitted by her, stating that no enquiry had been conducted. Subsequently, the original petitioner, Sri Krishnappa, claiming to be her legal representative submitted another application on 01.01.1997 alleging that the granted occupancy rights had

erroneously been described as situated in Tiruvail instead of Bodanthila village. He also sought occupancy rights in respect of lands bearing Sy.Nos.36/2A, 36/3, 39/2, 36/4, 36/6, 35/1 and 36/2B of Tiruvall village. Thus, the application submitted in 1991 and 1997, the original applications in Form No.7 and the order dated 20.10.1981 require examination together. Though the declaration of Smt.Doomu Poojari separately identifies lands situated in both villages, the same by itself could not establish whether the claims relating to both villages were adjudicated upon by the Land Tribunal or whether any claim remained undisposed. It is necessary to extract the provision of Section 48A, more particularly 48A (6) of the KLR Act, which reads as under :

> "**48A. Enquiry by the Tribunal, etc.—** (1) x x x
>
> (6) The order of the Tribunal under this section shall be final and the Tribunal shall send a copy of every order passed by it to the Tahsildar and the parties concerned.
>
> Provided that the Tribunal may, on the application of any of the parties, for reasons to be recorded in writing, correct any clerical or arithmetical mistakes in any order passed by it:
>
> Provided further that the Tribunal may on its own or on the application of any of the parties, for reasons to be recorded in writing correct the extent of land in any order passed by it after causing actual measurement and after giving an opportunity of being heard to the concern-parties."

12. The first proviso to Section 48A (6) empowers the Land Tribunal to correct clerical or arithmetical mistakes in its orders. In **Narayanappa (Dead) by L.Rs** (*supra*), the Supreme Court held that after adjudication of an application for occupancy rights, the Tribunal cannot permit substantive alteration of survey number, village and extent of land under the guise of rectification, as such an alteration may amount to entertaining a fresh claim in respect of a different property after the prescribed cut-off date. The Supreme Court held that the Tribunal could only correct clerical or arithmetical errors as permitted by Section 48A of the KLR Act.

13. In the present case, having regard to the discrepancy between the proposal portion and the operative portion of the order dated 20.10.1981, and the nature of relief sought in the applications dated 30.08.1991 and 01.01.1997, it cannot be conclusively determined (presumption) whether the petitioner seeks rectification of a clerical error or adjudication of a claim which has allegedly been left undecided. The Land Tribunal is therefore required to examine whether the claims concerning the lands situated in both villages were adjudicated upon by its order dated 20.10.1981; whether any claim made in Form No.7

application remained undisposed of and whether the correction sought falls within the permissible scope of Section 48A (6) of the KLR Act.

14. The Land Tribunal while rejecting the application dated 18.09.2015 has not adequately examined these material aspects with reference to the original records. In the circumstances, we are of the considered opinion that the matter requires reconsideration by the Land Tribunal without expressing any opinion on the merits of the claim or the nature of correction sought.

15. Accordingly, the writ appeal is allowed. The impugned order dated 13.07.2026 passed by the learned Single Judge in Writ Petition No.4829/2017 and the order dated 18.09.2015 passed by the Land Tribunal in L.R.T No.1103/1978-79 are hereby set aside. The matter is remitted to the Land Tribunal for fresh consideration of the applications. The Land Tribunal shall examine and determine the precise nature of the relief sought, including whether the alleged discrepancies constitute a clerical or arithmetical mistake within the meaning of Section 48A (6) of the KLR Act. The Land Tribunal shall consider the matter in light of the principles laid down by the Supreme Court in

Narayanappa (*supra*) after affording an opportunity of hearing to all the concerned parties and pass a reasoned order in accordance with law, preferably within three months from date. It is made clear that the remand shall not be construed as permitting any fresh claim for occupancy rights contrary to the provisions of the KLR Act.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

CKL