

Rangappa vs State of Karnataka Represented

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Court : Karnataka Orders

Decided On : Dec-19-2025

Judge : Rajesh Rai K

Appeal No. : WP/34558/2015

Appellant : Rangappa

Respondent : State of Karnataka Represented

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025 BEFORE THE
HON'BLE MR. JUSTICE RAJESH RAI K WRIT PETITION NO. 34558
OF 2015 (LR) BETWEEN: RANGAPPA SINCE DECEASED BY HIS
LRS,

(A) SRI MANJANNA S/O LATE RANGAPPA, AGED ABOUT 50 YEARS,

(B) SMT MANJAMMA D/O LATE RANGAPPA, AGED ABOUT 55
YEARS,

(C) SMT GOPAMMA

D/O LATE RANGAPPA, AGED ABOUT 40 YEARS, Digitally signed by PANKAJA S ALL ARE RESIDING AT YELLADADLU VILLAGE, Location: HIGH COURT OF KORA HOBLI, TUMKUR TALUK, KARNATAKA TUMKUR DISTRICT PIN : 572 128. PETITIONERS (BY SRI. SHANKARANARAYANA BHAT N, ADVOCATE) AND:

1. STATE OF KARNATAKA REPRESENTED BY SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, M.S.BUILDING, -2- DR. AMBEDKAR VEEDHI, BANGALORE-560 001

2. THE LAND TRIBUNAL TUMKUR TALUK, TUMKUR DISTRICT, REPRESENTED BY ITS SECRETARY PIN : 572 101.

3. SRI RANGAIAH S/O OBALIAH, AGED ABOUT 75 YEARS, RESIDING AT KOLALAKUNTE VILLAGE, KORA HOBLI, HALLADODDERI POST, TUMKUR TALUK, TUMKUR DISTRICT PIN : 572 128. RESPONDENTS (BY SRI. KIRAN KUMAR, HCGP FOR R1 & R2, SRI. R.P SOMASHEKHARAI AH FOR ADVOCATE C/R3) THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF

THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS AND QUASH THE ORDER OF THE LAND TRIBUNAL, TUMKUR TQ., TUMKUR DT.10.6.2015 VIDE ANNEX-G IN THIS WRIT PETITION. BY THE ISSUE OF A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT ORDER OR DIRECTION AS THE CASE MAY BE AND FURTHER BE PLEASED TO DIRECT THE LAND TRIBUNAL TO GRANT THE REGISTRATION OF OCCUPANCY RIGHT OF THE LAND IN SY.NO.23/1 (4 ACRES) OF YELLADADLU VILLAGE, KORA HOBLI, TUMKUR TQ., TUMKUR.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 17.12.2025 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING: CORAM: HON'BLE MR. JUSTICE RAJESH RAI K -3-

CAV ORDER

1. The petitioners in this writ petition are seeking a writ of

certiorari to quash the order dated 10.06.2015 passed in No.OLRM 71/75-76 (Annexure-G) by respondent No.2 - Land Tribunal, whereby the Land Tribunal rejected the claim of the petitioner-Rangappa for grant of occupancy right in respect of Sy.No.23/1 measuring 4 acres situated at Yelladadlu Village, Kora Hobli, Tumkur Taluk (for brevity, "the subject land").

2. The grievance of the petitioners is that their father late

Rangappa- original petitioner, being a tenant in possession and cultivation of subject land as on 01.03.1974 under respondent No.3, had filed Form-7 under the provisions of Karnataka Land Reforms Act seeking grant of occupancy right in respect of subject land.

3. The Land Tribunal, in earlier two occasions, had rejected the claim of the original petitioner for occupancy right without any enquiry, and the original petitioner had challenged those

orders before this court in WP No.6690/1977 and WP No.24863/1992, and this Court allowed the said writ petitions and remanded the matter for fresh enquiry. Despite, the Land -4- Tribunal once again passed the impugned order as per Annexure-G without examining the evidence adduced before the Tribunal and also by not examining the tenancy of the original petitioner as on the relevant date i.e., 01.03.1974. Hence, this writ petition.

4. Heard Sri Shankarnarayana Bhat N., learned counsel for the petitioners, Sri Kiran Kumar learned HCGP for respondent Nos.1 and 2 and Sri. R.P.Somashekaraiah, learned counsel for respondent No.3.

5. The primary contention of the learned counsel for the

petitioners is that, the impugned order is not a speaking order

and the Tribunal has not assigned any reason for rejection of the claim of tenancy of the petitioners. He further contended that respondent No.3 - landlord has categorically admitted the tenancy of the original petitioner under him and has consented for the grant of tenancy. As such, in view of Section 48-A (5-A) of the

Karnataka Land Reforms Act which mandates that when there is no objection in respect of the claim, the Tribunal may pass orders granting application, the Tribunal ought to have

-5- granted occupancy right in respect of the subject land in favour of the original petitioner.

6. He also contended on earlier occasion twice this court

remitted the matter back to the Land Tribunal to conduct a proper enquiry in respect of the tenancy and also whether the land in question is a granted land to respondent No.3, since he belongs to schedule caste. However, the Tribunal has totally erred by passing the cryptic order without complying with the orders passed by this Court.

7. He also contended that, there were ample documents and

evidence to substantiate the claim of the original petitioner that he was a tenant under respondent no.3 in respect of the subject land. The RTC entries for the year 1973-74 clearly reflected the name of the original petitioner in respect of subject lands. As such, it is clear that the subject land was vested with the government and the original petitioner has rightly claimed the occupancy right. This aspect of the matter has not been considered by the Land Tribunal in proper perspective. Accordingly, he prays to set aside the order of the

-6- Land Tribunal or to remand the matter to the Land Tribunal for fresh consideration.

8. Per contra, the learned counsel for the contesting

respondent submits that respondent No.3 belongs to scheduled caste and the subject land was granted on 31.08.1959. Later, the grant certificate was issued on 19.03.1962. The said grant was made by the government under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 ("the PTCL Act"). In such circumstance, the petitioners cannot claim occupancy right in respect of subject land under respondent No.3. He further

contends that the subject land is liable to be dealt with as per the provisions of the PTCL Act. In view of the overriding effect of Sections 4 and 11 of the PTCL Act, notwithstanding anything inconsistent contained in any other law, the Court or Tribunal has no jurisdiction to transfer or grant such lands even under the provision of Karnataka Land Reforms Act 1961. According to the learned counsel, the Tribunal has rightly observed the said aspect by not relying the alleged evidence of respondent No.3- landlord. He also contended that the RTC extract relied on by the petitioners clearly depicts that the subject land is darkhast

-7- land and granted in favour of respondent No.3. Such being the position, there exists no landlord - tenancy relationship between the petitioner and respondent No.3. Accordingly, he prays to dismiss the writ petition. To buttress his argument, he relied upon the following judgments:

1. Gayathri Devi v/s Smt Narayanamma and

Others- Writ Appeal No.95/2012(SC-ST) dated 13.06.2012. 2.B.S.Kallappa v/s The Deputy Commissioner and Others- writ Appeal No.15844/2011 dated 08.06.2012. 3.Korama (Bajentri) Seva Sangha (Regd.) in Writ Petition No.3287/2007 dated 11.10.2012.

4. O.Dayyamma v/s Apanna Bhovi and Others-ILR 1997 KAR 1283.

9. I have given my anxious consideration to the contentions of learned counsel for the respective parties, so also perused the materials on record. -8-

10. As could be gathered from records, undisputedly the petitioners are claiming occupancy right under respondent No.3 - landlord. It is also not in dispute that the subject land is a

granted land in favour of respondent No.3 vide grant order

dated 31.08.1959 and the grant certificate dated 19.03.1962. Respondent No.3 claims that he belongs to scheduled caste. To substantiate the same, he produced his caste certificate along with the statement of objections as per Annexure-R6. As such, the contention of respondent No.3 is that the subject land was granted to

him under the PTCL Act holds good. Once the subject land is granted to respondent No.3 under the PTCL, the petitioners cannot claim occupancy right under him in respect of subject land under Karnataka Land Reforms Act in view of the bar provided under Sections 4 and 11 of the PTCL Act.

11. The Co-ordinate Bench of this Court in the case of M SIDDOJI RAO Vs STATE OF KARNATAKA & OTHERS - ILR 1983 KAR 670 has held in paragraphs 13 to 16 as under:

"13. Section 11 of the Act removes all doubts and gives overriding effect to the provisions made in the Act. Section 11 provides that the provisions of the Act, shall have effect notwithstanding anything inconsistent contained in any other Law -9- or decree or order of a Court, Tribunal or other authority.

14. In dealing with cases arising under the Act, if

an Assistant Commissioner finds that an alienation is in contravention of the terms of the grant made or law providing for such grant made to a member of a Scheduled Caste or Scheduled Tribe, he is bound to give effect to the same by ignoring any decree or order made by a Civil Court, Tribunal or any other authority.

15. As the language of the Act, the validity of which has been upheld, is plain and clear, no question of conflict or harmonious construction with other Acts arises.

16. On the plain language of Sections 4 and 11 of

the Act, the order of the Tribunal (Annexure-A) made in favour of the petitioner being void has to be treated as nonest or ineffective and the sale made to Doddahalappa and subsequent transactions thereto have to be declared as void and the land restored to respondent No. 3. In this view, the impugned order made by the AC, though he has not adverted to the legal contention urged by the petitioner and has not dealt with the same, does not call for my interference under Article 226 of the Constitution." - 10 -

12. Applying the above ratio to the facts and circumstances of

this case, the application filed by the original petitioner for grant of occupancy right claiming under respondent No.3 in respect of a granted land under the provisions of the PTCL Act cannot be entertained. As rightly contended by the learned counsel for the contesting respondents, the Tribunal has no jurisdiction to deal with the application under Section 48-A of the Karnataka Land Reforms Act for a granted land that too under the provisions of the PTCL Act.

13. Nonetheless, the RTC produced by the petitioners clearly

reveals that the subject land is a darkhast land granted in favour of respondent No.3 and the petitioners have not placed any documents to substantiate their claim that their father was a tenant under respondent No.3 by placing any such rent receipts or any other documents. The alleged admission of respondent No.3 that the original petitioner was tenant under him before the Land Tribunal cannot be relied upon to consider the claim of petitioners. Even otherwise, such admission also cannot be made use by the petitioner for grant of occupancy right in view of the specific bar provided under Sections 4 and 11 of the PTCL Act. The statement of objection also reveals that

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respondent No.3 is in possession of subject land and he obtained loan by mortgaging the subject land in Kaveri Kalpataru Rural Bank. In such circumstance, I am of the considered view that the Land Tribunal has rightly rejected the claim of the petitioners in respect of the subject land and the impugned order does not call for any interference at the hands of this Court. Accordingly, writ petition is dismissed.

SD/- (RAJESH RAI K) JUDGE PKS List No.: 1 SI No.: 24

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