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NC: 2025:KHC:40757-DB
WA No. 1160 of 2018



2021:KHC:45423-DB

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT APPEAL NO. 1160 OF 2018 (LR)

BETWEEN:

1. RAJASHETTY @ RACHASHETTY,
S/O LATE SRI RAMASHETTY,
AGED ABOUT 68 YEARS,
SINCE DEAD BY LRS.,
- 1(A) MAHADEVAMMA,
W/O LATE RAJASHETTY,
AGED ABOUT 68 YEARS,
- 1(B) PUTTARAJU,
S/O LATE RAJASHETTY,
AGED ABOUT 50 YEARS,
- 1(C) BASAVARAJU,
S/O LATE RAJASHETTY,
AGED ABOUT 38 YEARS,
- 1(D) RAMASHETTY,
S/O LATE RAJASHETTY,
AGED ABOUT 36 YEARS,
- 1(E) RACHAPPA,
S/O LATE RAJASHETTY,
AGED ABOUT 34 YEARS,





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PETITIONER NOS.1(A) TO 1(E)
ARE RESIDING AT:
CHANDDUKUKUNTTEMOLE VILLAGE,
HARADANAHALLY HOBLI,
CHAMARAJNAGAR DIST-571 127.

2. CHIKKASIDDASHETTY,
S/O LATE RAMASHETTY,
AGED ABOUT 62 YEARS,
SINCE DEAD BY LRS,
- 2(A) NINGARAJU,
S/O LATE CHIKKASIDDASHETTY,
AGED ABOUT 58 YEARS,
- 2(B) NANJASHETTY,
S/O LATE CHIKKASIDDASHETTY,
AGED ABOUT 56 YEARS,
- 2(C) C.MAHADEVASHETTY
S/O LATE CHIKKASIDDASHETTY,
AGED ABOUT 54 YEARS,

PETITIONER NOS.2(A) TO 2(C)
ARE RESIDING AT:
CHANDDUKATTEMOLE VILLAGE,
HARADANAHALLY HOBLI,
CHAMARAJNAGAR DIST-571 127.

3. KARABASAVA SHETTY,
SINCE DECEASED REPRESENTED BY HIS
LEGAL REPRESENTATIVES,
- 3(A) SIDDAMMA,
W/O KARABASAVA SHETTY,



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AGED ABOUT 60 YEARS,

3(B) JANAMMA,
D/O KARABASAVA SHETTY,
AGED ABOUT 56 YEARS,

3(C) CHAMUNDAMMA,
D/O KARABASAVA SHETTY,
AGED ABOUT 57 YEARS,

3(D) CHANNAJAMMA,
D/O KARABASAVA SHETTY,
AGED ABOUT 59 YEARS,

3(E) MAHADEVA SHETTY,
S/O KARABASAVA SHETTY,
AGED ABOUT 52 YEARS,

PETITIONER NOS.3(A) TO 3(E)
ARE RESIDING AT:
CHANDDUKATTEMOLE VILLAGE,
HARADANAHALLY HOBLI,
CHAMARAJARANAGAR DISTRICT-571 127.

4. NAGASHETTY,
S/O LATE RAMASHETTY,
AGED ABOUT 58 YEARS,
SINCE DEAD BY HIS LRS,

4(A) MAHADEVAMMA,
W/O LATE NAGASHETTY,
AGED ABOUT 65 YARS,

4(B) DODDASIDDASHETTY,
S/O LATE NAGASHETTY,



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AGED ABOUT 40 YEARS,

PETITIONER NOS.4(A) AND 4(B)
ARE RESIDING AT:
CHANDUKATTEMOLE VILLAGE,
HARADANAHALLI HOBLI,
CHAMARAJARANAGAR DISTRICT-571 127.

5. NANJUNDASHETTY,
S/O LATE RAMASHETTY,
AGED ABOUT 74 YEARS,
SINCE DEAD BY HIS LRS
- 5(A) MAHADEVASWAMY N.,
S/O LATE NANJUNDASHETTY,
AGED ABOUT 53 YEARS,
R/O NO.349, UPPARA STREET,
CHANDUKATTE MOLE GRAMA,
HARADANAHALLI HOBLI,
DODDAMOLE,
CHAMARAJANAGAR-571 127.
- 5(B) BASAVANNA,
S/O LATE NANJUNDASHETTY,
AGED ABOUT 51 YEARS,
NO.31/1, UPPARA STREET,
CHANDUKATTE MOLE GRAMA,
HARADANAHALLI HOBLI,
DODDAMOLE,
CHAMARAJANAGAR-571 127.
- 5(C) RATHNAMMA,
D/O LATE NANJUDASHETTY,
W/O LATE VISHWANATHA,
AGED ABOUT 49 YEARS,



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R/O UPPARA STREET,
CHANDUKATTE MOLE GRAMA,
HARADANAHALLI HOBLI,
CHAMARAJANAGAR -571 127.

5(D) N.SHIVASWAMY,
S/O LATE NANJUNDASHETTY,
AGED ABOUT 46 YEARS,
R/O CHANDUKATTE MOLE GRAMA,
HARADANAHALLI HOBLI,
DODDAMOLE,
CHAMARAJANAGAR -571 127.

5(E) KUMAR
S/O LATE NANJUNDASHETTY,
AGED ABOUT 45 YEARS,
R/O NO.32, UPPARA STREET,
CHANDUKATTE MOLE GRAMA,
CHAMARAJANAGAR -571 127.

5(F) RAJAMMA,
D/O LATE NANJUNDASHETTY,
AGED ABOUT 40 YEARS,
R/O UPPARA STREET,
CHANDUKATTE MOLE GRAMA,
HARADANAHALLI HOBLI,
CHAMARAJANAGAR -571 127.

5(G) RACHAPPA,
S/O LATE NANJUNDASHETTY,
AGED ABOUT 34 YEARS,
R/O UPPARA STREET,
CHANDUKATTE MOLE GRAMA,
HARADANAHALLI HOBLI,
CHAMARAJANAGAR -571 127.



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- 5(H) C N RENUKA,
D/O LATE NANJUNDASHETTY,
W/O SWAMY,
AGED ABOUT 30 YEARS,
R/O UPPARA STREET,
GOLLORU, VIDYAPEETHA,
MYSURU-571 312.
6. DODDASIDDASHETTY,
S/O LATE RAMASHETTY,
SINCE DECEASED BY LRS,
- 6(A) MUNIYAMMA,
W/O LATE DODDASIDDASHETTY,
AGED ABOUT 81 YEARS,
- 6(B) PUTTAMMA,
D/O LATE DODDASIDDASHETTY,
AGED ABOUT 62 YEARS,
- 6(C) MAHADEVAMMA,
AGED ABOUT 60 YEARS,
W/O MAHADEVASHETTY,
D/O LATE DODDASIDDASHETTY,
HARADANAHALLI,
CHAMARAJANAGAR DISTRICT.
- 6(D) MAHADEVASHETTY,
S/O LATE DODDASIDDASHETTY,
AGED ABOUT 52 YEARS,
- 6(E) SIDDARAJU,
S/O LATE DODDASIDDASHETTY,
AGED ABOUT 50 YEARS,



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6(F) BANGARAMMA,
S/O LATE DODDASIDDASHETTY,
AGED ABOUT 47 YEARS,

6(G) KRISHNASHETTY
S/O LATE DODDASIDDASHETTY,
AGED ABOUT 51 YEARS

6(H) BASAVARAJU,
S/O LATE DODDASIDDASHETTY,
AGED ABOUT 45 YEARS,

PETITIONER NOS. 6(A) & 6(B) AND 6(D) TO 6(H)
ARE R/AT: CHANDUKATTEMOLE,
HARADANAHALLI HOBLI,
CHAMARAJANAGAR DISTRICT-571 125.

7. CHENNABASAVASHETTY,
S/O LATE RAMASHETTY,
AGED ABOUT 76 YEARS,
CHANDUKATTEMOLE VILLAGE,
HARADANAHALLI HOBLI,
CHAMARAJANAGAR DISTRICT-571 125,
SINCE DEAD REPRESENTED BY LRS 7(A) to 7(F).

7(A) RACHASHETTY,
S/O CHANNABASAVASHETTY,
AGED ABOUT 44 YEARS,
DOLLIPURA VILLAGE, HEBBASUR,
CHAMARAJANAGAR TALUK-571 342.

7(B) NANJAMMA,
D/O CHANNABASAVASHETTY,
AGED ABOUT 39 YEARS,



R/O DOLLIPURA VILLAGE, HEBBASUR,
CHAMARAJANAGAR TALUK-571 342.

7(C) LAKSHMI,
D/O CHANNABASAVASHETTY,
AGED ABOUT 33 YEARS,
R/O HARADANA HALLI HOBLI,
VENKATAIAHNA CHARTA,
CHAMARAJANAGAR TALUK-571 127.

7(D) PUTTAMMA,
D/O CHANNABASAVASHETTY,
AGED ABOUT 55 YEARS,
R/O HONGANOOR,
CHAMARAJANAGAR TALUK-571 117.

7(E) CHANNABASAMMA,
D/O CHANNABASAVASHETTY,
AGED ABOUT 44 YEARS,
R/O DOLLIPURA VILLAGE, HEBBASUR,
CHAMARAJANAGAR TALUK-571 342.

7(F) RAJAMMA
D/O CHANNABASAVASHETTY,
AGED ABOUT 48 YEARS,
R/O DOLLIPURA VILLAGE, HEBBASUR,
CHAMARAJANAGAR TALUK-571 342.

...APPELLANTS

(BY SRI.R.NAGENDARA NAIK, ADVOCATE FOR
A1(A TO E), A2(A TO C), A3(B TO E), A4(A & B),
A5(A TO H), A6(A TO H), A7(A TO F);
VIDE ORDER DATED 28.02.2023,
A3(A) IS DISPENSED WITH)



AND:

1. THE LAND TRIBUNAL,
CHAMARAJANAGAR,
BY ITS CHAIRMAN.
CHAMARAJNAGAR-571 313.
2. CHIKKANNA SWAMY
SINCE DEAD BY LRS.,
 - 2(A) RAJAMMA,
AGED ABOUT 80 YEARS,
W/O LATE CHIKKANNA SWAMY,
D.N.1385, 5TH CROSS,
ANNEKENTHRA ROAD,
KUVEMPUR NAGAR,
MYSORE-570 023,

SINCE DEAD REPRESENTED BY LRS
2(A)(I) to 2(A)(III).
 - 2(A)(I) TRIPURAMBHA,
D/O THITSAHUKAAR B CHIKANNASWAMY,
AGED MAJOR,
H.NO.1385, C AND D BLOCK,
KUVEMPUNAGAR,
MYSORE -570 023.
 - 3(A)(II) RAAGINI,
D/O THITSAHUKAA B CHIKANNASWAMY,
AGED MAJOR,
H.NO.1385, C AND D BLOCK,
KUVEMPUNAGAR,
MYSORE -570 023.



3(A)(III) INDRAANI
D/O THITSAHUKAAR B CHIKANNASWAMY,
AGED MAJOR,
H NO. 1385,
C AND D BLOCK,
KUVEMPUNAGAR,
MYSORE -570 023.

3. LATE C.G.RAJASHEKAR,
SINCE DEAD BY LRS.,

3(A) C.R.GURNATH,
AGED ABOUT 72 YEARS,
R/AT NO.226/8,
DOODANGADI BEEDHI,
CHAMARAJANAGAR TOWN - 57133.

...RESPONDENTS

(BY SMT.N.ANITHA, AGA FOR R1;
R2(A)(1), R2(A)(2), R2(A)(3) - SERVED AND
UNREPRESENTED, SMT.PRAMILA NESARGI,
SENIOR ADVOCATE FOR R3(A))

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO (A) SET ASIDE THE ORDER
DATED 27/11/2008 PASSED BY THE LEARNED SINGLE JUDGE
IN W.P.NO.37552/2003(LR) BY ALLOWING THE WRIT PETITION
FILED BY THE PETITIONERS, (B) GRANT ANY OTHER
RELIEF/RELIEFS.

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



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CORAM: **HON'BLE MR. JUSTICE JAYANT BANERJI**
and
HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard the learned counsel for the appellants.

2. This appeal has been filed seeking to set aside the order dated 27.11.2008 passed by the learned Single Judge in Writ Petition No.37552/2003 (LR), whereby the writ petition was dismissed, in which writ petition the order of the Land Tribunal dated 29.05.2003 was assailed.

3. The learned counsel for the appellants states that on perusal of the mahazar, which appears at page No.81 of this writ petition, indicates that the petitioners were the tenants of the disputed properties, and hence, declaring that the petitioners were not entitled as tenants and that it was the respondents including respondent



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No.3, who were entitled as tenants, cannot be sustained. The learned counsel, has however, admitted that no other document was filed on behalf of the appellants before the Land Tribunal to demonstrate their Occupancy Rights.

4. We have perused the impugned order. The learned Single Judge has observed that the Land Tribunal has assigned valid reasons for coming to the conclusion, and the appellants did not produce any document to show that they were tenants over the property in question. It was the predecessors of the applicants who were the owners of the properties. There was nothing on record to show that the applicants or their ancestors cultivated the properties as tenancies after the mortgage or sale. The entries in the Records of Rights did not show the names of the applicants. They have not produced any documents, such as tax paid receipts, etc., to prove their tenancy. Except the oral assertions, nothing was found in favour of the applicants. It was noted that during the course of the enquiry, the applicants had submitted before the Tribunal



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that respondent No.3 - Gurunath was cultivating the properties, which meant that the applicants were not cultivating the properties. Accordingly, the learned Single Judge observed that the Tribunal was justified in dismissing the applications filed by the applicants praying for the grant of occupancy rights. While observing this, the learned Single Judge has taken care to also observe that the jurisdiction of the Tribunal is to determine the aspect of tenancy. It was held that the order / observation of the Land Tribunal regarding the owner of the land in question, who is the respondent No.3 in Writ Petition No.19407/2007, is bad in the eyes of law and the same is without jurisdiction.

5. However, an award of the Arbitrator made on 30.09.1987 was noticed, which was filed as Annexure-R3 along with the Statement of Objections filed in Writ Petition No.19407/2007. The dispute before the Arbitrator arose between the legal representatives of the original owners - Sri M.S.Basavannadevaru and Sri Karibasappa



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and the matter was referred to the Arbitrator for adjudication. After hearing, the Arbitrator had passed the award holding that respondent No.3 - Gurunath is the owner of the properties in question. It was observed that as the award made by the Arbitrator had attained finality, it was proved that respondent No.3 was the owner of the properties in question.

6. Though we note that the award of the Arbitrator is binding between the parties to the award and not as against a third party, the issue in the instant appeal is as to the right of the appellants, who were the petitioners in W.P.No.37552/2003. When once it is admitted that no document other than the mahazar was filed before the Land Tribunal by the appellants as proof of the tenancy, which mahazar is nothing but a report of revenue official, which has not even been demonstrated to have been proved before the Land Tribunal, no interference is called for in the order impugned. This appeal, accordingly, lacking in merit, is ***dismissed***.



Pending I.As. stand disposed of.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(K. V. ARAVIND)
JUDGE**

SJK
List No.: 1 Sl No.: 8