



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 865 OF 2025 (LR)

BETWEEN:

1. K. DEVAPPA SUVARNA
AGED ABOUT 74 YEARS
2. SMT. VASANTHI
AGED ABOUT 71 YEARS

REPRESENTED BY GENERAL POWER OF ATTORNEY
HOLDER SRI.K. DEVAPPA SUVARNA

BOTH THE APPELLANTS ARE THE
CHILDREN OF THE RADHA & SHEENA MENDON
RESIDING AT RIVERSIDE,
MOODUTHONSE VILLAGE,
KALLIANPUR POST, UDUPI - 576114

...APPELLANTS

(BY SRI. NATARAJA BALLAL.A, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE
M.S. BUILDING, BANGALORE-1
REP. BY SECRETARY TO GOVT.
2. THE LAND TRIBUNAL
UDUPI TALUK AND DISTRICT
REP. BY ITS SECRETARY





3. SMT. T. VINODA PAI
AGED ABOUT 70 YEARS
4. SRI. T. RAMDAS PAI
AGED ABOUT 68 YEARS
5. SRI. T. MADHAV PAI
AGED ABOUT 65 YEARS
6. SRI. T. SURESH PAI
AGED ABOUT 62 YEARS
7. SRI T. RAMESH PAI
AGED ABOUT 58 YEARS
8. SMT. T. SHAILAJA PAI
AGED ABOUT 56 YEARS

RESPONDENTS NOS.3 TO 8
ARE CHILDREN OF LATE T.G.PAI

NOS.3 TO 8 ARE ALL
R/A NO.2-55, KOTE ROAD
KALLIANPUR, UDUPI - 576 114.

9. BHAVANI SHANKAR RAO
AGED ABOUT 74 YEARS
EMPLOYED IN
UDUPI WEAVER'S COOPERATIVE SOCIETY
R/O NITTUR, PUTTUR TQ.,
D.K. DIST - 576 103.

...RESPONDENTS

(BY SRI. M.N.SUDEV HEGDE, AGA FOR R1 & R2;
R3, R5, R6, R7, R8 ARE SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 04.04.2025 IN WP No. 20674/2024 (GM-TEN)
AND ALLOW THE APPEAL IN THE INTEREST OF JUSTICE AND
EQUITY.



THIS APPEAL COMING ON FOR ORDERS 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)

1. This writ appeal is filed challenging the order passed in W.P. No. 20674/2024 dated 04.04.2025 by the appellants/petitioners.

2. The two applicants, namely, Sri. T. Gopalakrishna Pai, since deceased and Mrs. Radha, wife of Shgeena Mendan, since deceased filed application under Section 48 of the Karnataka Land Reforms Act, 1961 (KLR Act) claiming occupancy rights for 1 acre of land in survey No. 19/7 of Mooduthonse village.

3. The Tribunal rejected the application of Sri. T. Gopalakrishna Pai who was represented by his legal heirs on the ground that the said land was no longer an agricultural land. Enquiries regarding the land was conducted on different dates and finally, the matter was heard on 21.01.2015. The first applicant, Sri. T. Gopalakrishna Pai had purchased 0.05



acres of land in survey No. 19/7 of Mooduthonse village on 09.11.1971 from Sri. Purushotham Kini vide moolageni registered deed and since then he was in possession and enjoyment of this property. He had constructed dwelling house, shop and building and he also claimed that he was carrying out agricultural activities by growing plantation of coconut, banana, vegetables and that was in possession prior to 01.03.1974.

4. The Tribunal, after considering the evidence adduced by the parties framed the following issues for consideration:

- i) Whether the disputed land comes within the meaning of 'land' under Section 2A(18) of Karnataka Land Reforms Act 1961 (Amended Act 1974)?
- ii) Whether the disputed land is using for the agricultural purpose prior to 01.03.1974? its crops?
- iii) Whether the 1st and 2nd applicants are entitled for occupancy rights?

5. The Land Tribunal, considering the documentary evidence produced by the legal heirs of Sri. T. Gopalakrishna Pai, moolageni document Nos. 4, 5, 19, 20 dated 25.03.1920 and other documents mentioned in the impugned order, came



to the conclusion that the disputed land was no longer an agricultural land as there were shop, building on it and therefore, it would not come within the definition of Section 2-A(18) of the KLR Act for grant of occupancy rights. Therefore, the claim of legal heirs of Sri. T. Gopalakrishna Pai was denied for grant of occupancy rights in respect of the land in question.

6. Insofar as the case of the appellants is concerned, the Tribunal considered the issues and on their admission that there is building, godown and bandasale, held that the land was no longer an agricultural land. It was also stated that besides building, godown and bandasale, there was no land left out in respect of the said survey number for grant of occupancy rights. Therefore, the Tribunal after considering the evidence adduced by the parties came to the conclusion that as the land in question would not come under the definition of agricultural land under Section 2-A(18) and 2-A(i) of the KLR Act, held that neither applicant No. 1 nor applicant No. 2 were entitled for grant of occupancy rights.

7. The learned single Judge having noted the findings of the Tribunal has dismissed the writ petition vide impugned judgment and order.



8. We find no ground to interfere with the impugned judgment and order. Therefore, the writ appeal stands dismissed. All/any pending interim application(s) are also disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

LRS
List No.: 2 Sl No.: 5