



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD 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. 894 OF 2025 (LR)

BETWEEN:

NAGAPPA SINCE DEAD BY HIS LRS

1. CHINNAMMA
WO LATE NAGAPPA
AGED ABOUT 72 YEARS
2. PARVATHAMMA
D/O LATE NAGAPPA,
AGED ABOUT 51 YEARS,
3. MADAPPA
S/O LATE NAGAPPA,
AGED ABOUT 48 YEARS,
4. BASAVARAJAPPA
S/O LATE NAGAPPA,
AGED ABOUT 44 YEARS,
5. RAJESHWARI
D/O LATE NAGAPPA,
AGED ABOUT 43YEARS,





6. CHANDRAPPA
S/O LATE NAGAPPA,
AGED ABOUT 41 YEARS,
7. SHIVAPPA
S/O LATE NAGAPPA,
AGED ABOUT 39 YEARS,
8. GOWRAMMA
D/O LATE NAGAPPA,
AGED ABOUT 46 YEARS,

ALL ARE RESIDENTS OF
KATHWADIPURA VILLAGE,
KASABA HOBLI,
NANJANGUD TALUK - 571 315.

...APPELLANTS

(BY SRI. B SHARATH KUMAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
BANGALORE - 560 001.
REPRESENTED BY
ITS SECRETARY
2. THE LAND TRIBUNAL
NANJANGUD,
MYSURU DISTRICT,
BY ITS CHAIRMAN,



3. M.V.SHARADAMMA
W/O OF K.RAMASWAMY,
MAJOR IN AGE,
R/AT NO.83,
3RD BLOCK EAST
THANDAVESHWAR TEMPLE ROAD,
LIC COLONY,
JAYANAGAR
BANGALORE - 560 011.

SIDDAPPA
SINCE DEAD BY LRS

4. SMT. V.B.MALLIGAMMA
W/O LATE SIDDAPPA
AGED ABOUT 67 YEARS
5. SRI. PRAKASHA
S/O LATE SIDDAPPA
AGED ABOUT 52 YEARS
6. SRI. SURESH V.S
S/O LATE SIDDAPPA
AGED ABOUT 46 YEARS
7. SRI. MALLESHA
S/O LATE SIDDAPPA
AGED ABOUT 37 YEARS
8. SRI V.S.MAHADEVSWAMY
S/O LATE SIDDAPPA
AGED ABOUT 35 YEARS

ALL ARE RESIDENTS OF
VOLLAGERE VILLAGE AND POST,
KASABA HOBLI,



NANJANGUD TALUK
MYSURU DISTRICT - 571 315.

...RESPONDENTS
(BY SRI. MOHAMMAD JAFFAR SHAH, AGA FOR R1 & R2)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SETTING ASIDE THE IMPUGNED ORDER DATED 26.03.2025 PASSED IN WP No. 54869/2013 ON THE FILE OF THIS HON'BLE COURT AND CONFIRM THE ORDER DATED 12.09.2012 PASSED IN CASE No. L.R.F. No. 3783/74-75 ON THE FILE OF THE LAND TRIBUNAL, NANJANGUD, MYSURU DISTRICT AND ETC.,

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, 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 T.M.NADAF)

Though the matter is listed under caption 'Fresh matter/s', with the consent of both the parties, we have heard and disposed of this appeal finally.

2. The legal representative of respondent No.3 are in appeal under Section 4 of High Court of Karnataka Act,



calling in question the order dated 26.03.2025 passed by the learned Single Judge in W.P.No.54869/2013.

3. The writ Court in the impugned order allowed the writ petition, set aside the order passed by the Land Tribunal and directed the Land Tribunal to register the name of original petitioner Siddappa as tenant in respect of 1 acre 5 guntas of land in Sy.No.11 of Kathwadipura Village in Nanjangud Taluk.

4. The parties are referred to as per their ranking before the writ Court.

5. The brief factual matrix leading to filing of the present appeal is as under:

This is the fifth round of litigation. On earlier four occasions, the matter was remanded and repeatedly called in question before the writ Court and remanded. The learned Single Judge in order to put a quietus to the dispute, heard the entire matter on merits.



6. It is the case of the petitioners that he was the rival claimant filed Form No.7 on 10.07.1978, claiming an extent of 1 acre 5 guntas of land in Sy.No.11. The original respondent No.3 - Nagappa also filed Form No.7 on 25.06.1976, claiming 1 acre 5 guntas of land. However, he filed another application on 15.01.1979 claiming entire extent of 2 acres 10 guntas of land.

7. One Kempananjappa, who was the father of Mallappa and Mallamma, was a tenant in the land. The petitioner Siddappa - applicant was the son of Mallappa whereas Nagappa, the other claimant was the foster son of Mallamma. It is further contented that Mallamma had purchased 1 acre of land from Sharadamma in 1961 and upon death of Mallamma, Nagappa being his foster son inherited the property and continued in possession of the land. The entire extent of land is 2 acres 10 guntas in Sy.No.11 and Mallamma was the owner of 1/2 property under registered sale deed and in respect of other 1/2 of



property i.e., 1 acre 5 guntas, both the claimant have filed application, claiming occupancy rights.

8. It is further case of the petitioner that in the RTC along with Mallamma, the name of the Siddappa has been shown. Though the name of Nagappa has been entered it is only with respect to one acre of land which the Mallamma had purchased during her lifetime. It is further case of the petitioner that, though landlady has given statement, however, in view of earlier statement given before the Tribunal, in the earlier round of litigation, the landlady has clearly stated that Siddappa was the tenant and now she has turned her entire version, stating that it is Nagappa who is tenant of the land. In these circumstances, this shaky statement cannot be given any due weightage, while considering the claimant's application. In terms of the provisions of the Land Reforms Act, the person who is cultivating the land as on the appointed day is required to be considered. In the case on hand, the original petitioner Siddappa's name is found in



the RTC in respect of 1 acre 5 guntas of land. The Tribunal has swayed and given more weightage to the statement of landlady and passed the order against the materials placed before it.

9. The learned Single Judge after considering the rival submissions was of the opinion that the statement given by the landlady before the Tribunal is shaky and cannot be given due weightage. The learned Single Judge while reasoning his order which runs from Paragraph Nos.30 to 36 has clearly stated that the evidence of Sharadamma is completely untrustworthy as in one round of litigation, she contends that Siddappa was the tenant and in another she resiles from the earlier statement and states that she does not even know Siddappa and it is Nagappa who is cultivating the land.

10. Secondly, the learned Single Judge has opined that, the rent receipts said to have been produced by Sharadamma cannot be considered in view of inconsistent



statement by her. The signature found on the statement before the Land Tribunal is in English and whereas in all rent receipts from the year 1970-1971 and 1974, the signature was in Kannada. This creates doubt regarding the rent receipts and in view of RTC standing in the name of Siddappa, the learned Single judge having noticed that the proceedings before the Land Tribunal being summary proceedings and strict rules of evidence as in a original suit is not applicable, on the basis of the records produced by Siddappa, which were neither objected to by Nagappa at any point of time nor did he cross-examine Siddappa with regard to the said document, allowed the petition, set aside the order passed by the Land Tribunal and directed to register the name of the Siddappa as tenant in respect of 1 acre 5 guntas of land in Sy.No.11 of Kathwadipura village in Nanjangud Taluk. It is this order is called in question by legal representatives of respondent No.3.

11. Heard Sri.B.Sharath Kumar, learned counsel for appellants and Sri.Mohammed Jaffar Sha, learned



Additional Government Advocate for respondent Nos.1 and 2.

12. Sri.Sharath Kumar is not in dispute with regard to fifth round of litigation. He is further not disputing the fact that on earlier four occasions the matter was remanded and called in question before this Court in writ petitions. Though the learned counsel tried to impress upon us by contending that the landlady has given statement before the Land Tribunal that Nagappa is the tenant and he has been cultivating the land as on the appointed day. However, we are not convinced with the argument of learned counsel, the reason being there are two statements by said landlady Sharadamma. In the earlier round of litigation she has stated that Siddappa was the tenant of the land. In the next round of litigation, she even gone to the extent of saying that she never came across with Siddappa and it is Nagappa who is cultivating the land. That apart in the RTC, the name of Mallamma, Nagappa and Siddappa all were appearing. It is not in



dispute that Mallamma purchased 1 acre out of 2 acres 10 guntas of land from Sharadamma in 1961 under a registered sale deed. Perhaps this may be the reason for showing the name of Nagappa in the place of Mallamma since he was a foster son.

13. In view of RTC which has got a presumptive value in law wherein the name of Siddappa has been shown as cultivator, has been rightly considered by the learned Single Judge. No case has been made out to take contra view than the one taken by learned Single Judge.

14. In view of settled position of law as well as the provisions under the Land Reforms Act, since the name of the applicant Siddappa available in the RTC and he filed an application under Form No.7 claiming occupancy rights for 1 acre 5 guntas of land, the Tribunal must have considered these aspects of the matter.

15. The learned Single Judge having given due regard to the documentary evidence produced, more



especially the RTC has come to the conclusion that, original petitioner Siddappa is the tenant cultivating the land and allowed the petition. We find no infirmity in the order passed by the learned Single Judge.

16. The appeal sans merit and accordingly, ***dismissed.***

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

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

RR
List No.: 1 Sl No.: 5