



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH**

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 205464 OF 2014 (KLR-RES)

BETWEEN:

1. RUDRAPPA
S/O MUDAKAPPA
OCC:AGRICULTURE
R/O YEDIWAL
TQ.MANVI
DIST.RAICHUR
2. VENKATREDDY
S/O RUDRAPPA @ MUDAKAPPA
R/O :AGRICULTURE
R/O:YEDIWAL
TQ.MANVI
DIST.RAICHUR

...PETITIONERS

(BY SRI SACHIN M MAHAJAN, ADV.)

AND:

1. THE STATE THROUGH
DEPUTY COMMISSIONER
RAICHUR
2. VEERUPANNA
S/O YAMUNAPPA
OCC:AGRICULTURE
R/O YEDIWAL VILLAGE
TQ.MANVI
DIST.RAICHUR

...RESPONDENTS

(BY SRI SHESHADRI JAISHANKAR.M. AGA FOR R1;
SRI AJAYKUMAR.A.K., ADV. FOR R-2)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER PASSED BY THE RESPONDENT NO.1 IN REV/INAM/73/1991-92 DATED 20.06.2014 UNDER ANNEXURE - E.

THIS PETITION, COMING ON FOR FURTHER HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

1. This writ petition under Articles 226 & 227 of the Constitution of India is filed seeking for the following reliefs:

a. Issue a writ of certiorari quashing the orders passed by respondent no.1 in REV/INAM/73/1991-92 dated 20.06.2014 under Annexure-E, in the interest of justice.

b. Issue any other writ, order or direction which this Hon'ble Court deems fit, in the interest of justice.

2. Heard the learned Counsel for the parties.

3. The property bearing Sy. No.4 measuring 8 acres 32 guntas which is an inam land situated at Yediwal village, Manvi Taluk, Raichur District, originally belonged to P.Srinivasachar. In the revenue records of the said land, it was mentioned that the land in question was a khairati inam land. After coming into force of Hyderabad Inams Abolition Act, 1954 (for short, 'Act of



1954'), the land in question stood vested in the State Government. It appears that in the revenue records of the land, name of Sri Pampanna was entered as a tenant. Father of petitioner no.1 and respondent no.2 herein are said to be the younger brothers of the said Pampanna.

4. It appears that petitioners as well as respondent no.2 had filed separate applications under the Act of 1954 before the jurisdictional Deputy Commissioner for granting occupancy rights of the land in question in their favour. The respondent-Deputy Commissioner vide the impugned order at Annexure-E dated 20.06.2014 in proceedings bearing No.REV.INAM/73/1991-92, has granted occupancy rights of the aforesaid land in favour of respondent no.2. Aggrieved by the same, petitioners are before this Court.

5. Learned Counsel for the petitioners having reiterated the grounds urged in the petition, submits that respondent no.2 has not produced even a scrap of paper before the Deputy Commissioner to show that he was in occupation and cultivation of the land in question as tenant at any point of time, much less as on date the Act of 1954 came into force. He



submits that respondent no.2 had earlier filed Form No.7 under the Karnataka Land Reforms Act, 1961, claiming occupancy rights of the very same land which was rejected by the Land Tribunal. Thereafter, during the extended period of time, the application is filed under the Act of 1954, seeking occupancy rights which has been allowed by the Deputy Commissioner without there being any basis for the claim made by respondent no.2. He submits that the revenue records of the land in question would not go to show that Pampanna who is the brother of petitioner no.1's father and also the brother of respondent no.2 herein was shown as tenant of the land in question in the revenue records. After the death of Pampanna, petitioners who were in occupation and cultivation of the land in question had formally purchased the said land under a registered sale deed from the Inamdhar Sri P.Srinivasachar. He submits that petitioner no.1 herein had filed O.S.No.22/1992 against respondent no.2 and the aforesaid P.Srinivasachar, and in the said suit, the Trial Court having held that petitioner no.1 was in occupation and cultivation of the land in question has granted a decree of permanent injunction in his favour restraining the defendants from interfering with his peaceful possession and



enjoyment of the property in question. The Deputy Commissioner has failed to appreciate the said aspect of the matter and has erred in granting occupancy rights in favour of respondent no.2.

6. Per contra, learned Counsel for the respondent no.2 has argued in support of the order impugned and submits that the Deputy Commissioner taking into consideration the statement of the Inamdhar, has rightly granted occupancy rights in favour of respondent no.2. Petitioners are not related to respondent no.2, and therefore, they cannot claim under the aforesaid Pampanna. Accordingly, he prays to dismiss the writ petition.

7. The material on record would go to show that petitioner no.1 herein had filed O.S.No.22/1992 before the jurisdictional Civil Court at Manvi seeking the relief of permanent injunction and in the said suit, respondent no.2 herein was arrayed as defendant no.1 and the Inamdhar - P.Srinivasachar was arrayed as defendant no.2. The Trial Court having found that the plaintiff in O.S.No.22/1992 was in peaceful possession and enjoyment of suit schedule land, had partly decreed the said suit and had granted a decree of permanent injunction in



favour of the plaintiff in respect of the suit schedule land which is also the subject matter of this writ petition. Undisputedly, the said judgment and decree passed in O.S.No.22/1992 has attained finality.

8. Learned Counsel for the petitioners has produced the copy of the judgment and decree passed in O.S.No.74/2000 passed by the Court of Prl. Civil Judge (Sr.Dn.), Raichur, along with an application filed under Order VI Rule 17 on 03.06.2024. O.S.No.74/2000 was filed by respondent no.2 herein and two others seeking the relief of partition and separate possession of the suit schedule property. Respondent no.2 was the plaintiff in the said suit and father of petitioner no.1 was arrayed as defendant no.1. In the genealogy of the family given to the said suit, it is found that Pampanna and Eranna who is the father of petitioner no.1 herein are direct brothers born to one Lingappa. Respondent no.2 herein is the son of Yamanappa who is the younger brother of the aforesaid Lingappa. Therefore, respondent no.2 is not the direct brother of Pampanna.

9. It appears that applications seeking grant of occupancy rights were filed by the petitioners as well as by respondent



no.2 in the year 1992 after the time to file applications seeking grant of occupancy rights under the Act of 1954 was extended. The Deputy Commissioner taking into consideration the statement made by P.Srinivasachar in his declaration filed in Form No.11 under Section 66 of the Karnataka Land Reforms Act, 1961, that 'Jetteers' were cultivating the land in question, has granted occupancy rights in favour of respondent no.2 merely for the reason that the word 'jetty' is mentioned before the name of respondent no.2. The Deputy Commissioner has totally ignored the affidavit of Srinivasachar, wherein he has admitted the tenancy of the petitioners herein and had stated that he had no objection for grant of occupancy rights in their favour.

10. Perusal of the material on record would go to show that respondent no.2 who has filed an application seeking grant of occupancy rights of the land in question, has not even produced a scrap of paper before the Deputy Commissioner to show that he was the tenant of the land in question at any point of time, and on the other hand, the Inamdhar - P.Srinivasachar has admitted the tenancy of the petitioners and



has stated that he has no objection to grant occupancy rights to them. Even in the revenue records of the land in question, the name of Pampanna who is the direct brother of petitioner no.1's father is mentioned as tenant of the land in question. It appears that subsequent to the death of Pampanna, petitioners who were in occupation and cultivation of the land in question had paid some consideration and had purchased the said land from P.Srinivasachar under a registered sale deed and subsequently they also had filed an application for grant of occupancy rights.

11. The Deputy Commissioner without appreciating the aforesaid aspects of the matter, only for the reason that in the declaration filed by Srinivasachar under Section 66 of the Karnataka Land Reforms Act, 1961, he had mentioned that "jeteteers" are the tenants of the land in question, has proceeded to grant occupancy rights of the land in question in favour of respondent no.2, which according to me, is totally illegal, and therefore, the order impugned cannot be sustained. Accordingly, the following order:



12. Writ petition is allowed. The impugned order dated 20.06.2014 at Annexure-E passed by respondent no.1 in proceedings bearing No.REF/INAM/73/1991-92, is set aside. The matter is remanded to respondent no.1 to re-consider the claim of the petitioners and respondent no.2 afresh, in accordance with law, as expeditiously as possible.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

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