

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 06TH DAY OF AUGUST 2012

BEFORE

THE HON'BLE MR.JUSTICE N. ANANDA

L.R.R.P. No.2844/1988

BETWEEN:

Venkatappa
S/o Akkanni Muniyappa

Since dead by LR's

1(a) Smt.Lakshamma
W/o Late Venkatappa
Aged about 62 years

1(b) Sri.Anjinappa
S/o Late Venkatappa
Aged about 35 years
Both are residing at
R/o Kadadenahalli Village
P.O.Yeshwanthpura,
Kasaba Hobli, Malur Taluk
Kolar District.

... Petitioner/s

(By Sri.Venkatesh R.Bhagat and Sri.B.M.Krishna Bhat, Advs)

AND:

1. State of Karnataka
By Secretary to Government
Revenue Department
M.S.Buildings
Bangalore – 560 001.

2. The Land Tribunal
Malur Taluk, Kolar District
by its Secretary
3. Haji Ismail Sab
Since deceased by his LRs.
- 3(a). Sayyad Afis Sab
Aged about 59 Years
- 3(b). Sayyad Abubakkar
Aged about 47 Years
Both 3(a) and 3(b) are
R/at Nanjamma Layout
Near Dyapasandra Co-op. Society
Malur Town, Malur Taluk
Kolar District.
4. K.N.Narasimhaiah, 61 Years
S/o late Narasimhaiah
Kadadenahalli Village
Kasaba Hobli, Malur Taluk
Yeshwanthapura Post
Kolar District.
5. Smt.Doddi Muniyamma
W/o late Dasappa
Aged about 75 Years
Kadadenahalli Village
Malur Taluk, Kolar District
PO Yashwanthapura, Kolar District.
6. A.R.Nagaraj
S/o Ramayya Reddy
Aged about 53 Years
R/o Kaikendrahalli Village
PO Carmelaram, Bangalore District. ... Respondents

(By Sri Nasarulla Khan, HCGP for R1 & R2; Sri M.D.Kumar,
Advocate for R4 & R5; R6 – served but unrepresented;

This petition is filed under Section 121 of the Karnataka Land Reforms Act, against the order dated 25.02.1988 passed in DLRA.727/1986 on the file of District Land Reforms Appellate Authority, Kolar and etc.

This petition coming on for hearing this day, the Court made the following:

ORDER

Heard Sri.Venkatesh R.Bhagath, learned counsel for petitioners and learned Government Advocate for State.

2. The petitioner had claimed for occupancy rights in respect of 20 Guntas of land in Sy.No.18 of Nallappanahalli Village, Malur Taluk. The Tribunal had rejected the application. Thereafter, the petitioner was before this court in W.P.No.10981/1983. Consequent upon amendment to the Land Reforms Act, the matter was sent to District Land Reforms Appellate Authority at Kolar and it was treated as an appeal (DLRA.727/86). The appellant/petitioner and contesting respondents were permitted to lead additional evidence before the Appellate Authority.

3. The Appellate Authority dismissed the appeal for the following reasons:

I The RTC Extracts of land in question for relevant period indicate not only the name of appellant but also names of two other persons. The appellant has failed to establish identity of property, which was cultivated by him as a tenant.

II On 20.12.1974, the third respondent (Landlord) had executed a registered sale deed in respect of 4 guntas of wet land in Sy.No.29 in favour of petitioner. On 22.05.1982, petitioner had made an application before the Land Tribunal as per Ex.A3, wherein, he has stated that he had filed Form No.7 at the instigation of some persons.

III The Appellate Authority has rejected the contention of petitioner that he was not aware of contents of registered sale deed dated 20.12.1974 and he had not filed application as per Ex.A3 for dismissal of Form No.7 filed by him.

IV The evidence on record is hardly sufficient to hold that petitioner was in possession of 20 guntas of land in Sy.No.18 as on 01.03.1974 or immediately prior to it.

4. On hearing the learned counsel for parties and on reconsideration of the matter, I find that Form No.7 filed by the petitioner is not in accordance with law. The petitioner has not specified boundaries of portion of land (20 guntas out of 1 Acre 11 Guntas in Sy.No.18) which was in his

occupation as tenant immediately prior to 01.03.1974. The parties had arrived at some understanding, pursuant to which, the third respondent/landlord sold 4 guntas of wet land in Sy.No.29 in favour of petitioner under registered sale deed dated 20.12.1974.

On 22.05.1982, petitioner had filed an application before the Land Tribunal as per Ex.A3 giving up his claim over the land in question, making categorical statement that he was not a tenant of land in question and Form No.7 was filed at the instigation of some persons. The petitioner having asserted that he was in occupation of 20 guntas of land in Sy.No.18 since 60-70 years has failed to establish the same. The evidence on record is hardly sufficient to establish that he was a tenant of 20 guntas of land in Sy.No.18 as on 01.03.1974 or immediately prior to 01.03.1974.

Thus, on reconsideration of the matter, I do not find any reasons to interfere with the impugned order passed by the Appellate Authority.

5. In the result, I pass the following:

ORDER

The petition is dismissed.

Sd/-
JUDGE

Np/-