

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 20<sup>th</sup> DAY OF FEBRUARY, 2001

BEFORE

THE HON'BLE MR. JUSTICE R GURURAJAN

LRRP 891/1989

BETWEEN:

H N Ramamurthy  
S/o Narasingaram  
R/o Holavanahalli  
Koratagere Taluk  
Tumkur Dist

2. H Yoga Narasimharao  
r/o Holavanahalli  
Koratagere Taluk  
Tumkur Dist.

PETITIONER

(By Sri.A S Nagabhushana Rao, Adv.,)

AND:

Sri Puttarangaiah  
S/o Muddarangaiah Doddamani  
R/o Hoiavanahalli  
Koratagere Taluk

2. State of Karnataka  
By its Revenue Secretary  
Vidhana Soudha  
Bangalore.

3. Land Tribunal  
By its Chairman  
Koratagere.

RESPONDENTS

(By Sri M H Sowkar C/R  
Sri G Krishnareddy for R-2 and 3)

This Petition is filed against the order dated 28-7-1988 in LRA No.98/87 on the file of the Addl., Land Reforms Appellate Authority, Tumkur.

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

ORDER

1. This petition is filed by the land owner challenging the order of the Appellate Authority dated 28-7-1988.
2. Respondent-tenant filed an application seeking for occupancy rights by filing Form No.7 before the Land Tribunal, Koratagere. The Land tribunal rejected his application holding that the said tribunal has no jurisdiction to try his case. Respondent-tenant

challenged this order in this Court in WP No.16487/1983. This Court in view of the constitution of the appellate authority transferred the case to the appellate authority. Parties led evidence before the appellate authority. Counsel for the landlord agreed that the land tribunal has jurisdiction to try the claim of occupancy rights in respect of service inam lands. Appellate authority after hearing ordered registration of the respondent as occupant in respect of 1 acre 10 guntas in Sy.No.224 of Holavanahalli village, Korataere Taluk. This order is challenged before me by the owner.

3. Learned counsel for the petitioner argued that the appellate authority is wrong in granting occupancy rights. According to him in the application no details were forthcoming with regard to the boundary details.

He also contends that the respondent was not a tenant on 1-3-1974.

4. I have heard the learned counsel for the parties.
5. Parties have agreed that the tribunal did have jurisdiction with regard to these service inam lands. Evidence was also recorded before the appellate authority. Parties have examined themselves in addition to producing documents. Appellate authority after noticing the revenue entries come to the conclusion that the respondent tenant is entitled for occupancy rights. In the light of the documentary evidence read with oral evidenc., The appellate authority in my opinion is right in holding the respondent as the tenant in the light of revenue entries. In so far as the boundaries are concerned, unfortunately the respondent-tenant has not given sufficient details while filing Form No.7

Sy. No.45 consists of several pieces of land. In fact in the very land 1 acre 2 guntas is granted to one Rangaiah and 1 acre 10 guntas is granted to the present respondent. In the absence of any details with regard to the boundary, I deem it proper to remit the matter to the land tribunal for the limited purpose of ascertaining the correct boundaries in so far as the tenant is concerned.

6. In the result, this petition is partly allowed. The finding with regard to the status of the tenant is confirmed. Now the appellate authority is abolished, and hence the matter is remitted to the land tribunal, only to pass orders regarding the exact boundaries in accordance with law and after hearing parties.

7. Ordered accordingly. No costs.

Sd/-  
(JUGDE)

**LNSJ:**  
21.07.2017

**ORDER**  
**ON IA.I OF 2016**  
**IN**  
**LRRP NO.891 OF 1989**

This LRRP was disposed of on 20<sup>th</sup> February 2001.

2. IA.I of 2016 is filed by the applicant-first respondent seeking rectification of the survey number which is wrongly mentioned in the order dated 20<sup>th</sup> February 2001. In the order dated 20<sup>th</sup> February 2001 at paragraph 5 of the order, the survey number is wrongly mentioned as 224 instead of survey No.225. The learned counsel seeks rectification of the same.

3. Heard the learned counsel and gone through the records. There is a typographical error crept in while typing the survey Number which is wrongly mentioned as survey No.224 instead of survey No.225. Accordingly, it is ordered to read **survey number as 225 of Holavanahalli Village, Koratagere Taiuk** which is wrongly typed as 224 in paragraph 5 at page 5 of the order dated 20<sup>th</sup> February 2001 passed in

LRRP No.891 of 1989. This order is directed to be made part and parcel of the main order. Accordingly, it is ordered.

4. Registry to issue fresh certified copy of the order to the parties.

**Sd/-  
JUDGE**

Inn