

Reserved on : 18.03.2026

Pronounced on : 08.06.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 08TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 866 OF 2025 (LR)

C/W

WRIT APPEAL NO. 927 OF 2025(LR)

IN WA No. 866/2025

BETWEEN:

SMT. ADAVAMMA
SINCE DEAD BY LRS

1. D. RAJAKUMAR
S/O DODDARANGAIAH,
AGED ABOUT 60 YEARS,
2. SMT. PUTTARANGAMMA,
W/O LATE CHIKKANNA,
AGED ABOUT 80 YEARS,
3. SMT.CHIKKAMMA,
W/O LATE DODDAIAH,
AGED ABOUT 75 YEARS
4. SRI. RANGASWAMAIAH
S/O LATE CHIKKARANGAIAH
AGED ABOUT 78 YEARS
5. B.C. HANUMAIAH,
S/O LATE CHIKKARAJAIAH,
AGED ABOUT 75 YEARS,



APPELLANTS NO.1 TO 5 ARE
RESIDING AT BEERANAKALU VILLAGE,
KASABA HOBLI,
TUMKAURU TALUK,
TUMKURU DISTRICT - 572 104

...APPELLANTS

(BY SRI. R.S.RAVI, SR. COUNSEL FOR
SRI. KISHAN G.S, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY ITS SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
M.S.BUILDING,
BANGALORE.

REVANNA SHETTY
DIED DURING THE PENDENCY OF THE
WRIT PETITION BUT HIS LRS WERE NOT
BROUGHTON RECORD

2. THE LAND TRIBUNAL
TUMKURU TALUK,
TUMKURU DISTRICT - 572 101
REP BY ITS PRESIDENT.

3. SMT. SUVARNA
AGED MAJOR,
W/O RAJENRA,
D/O LATE SHARADAMMA
AND SHANTAVEERAPPA
RESIDING AT NO. 276
13TH CROSS, 1ST STAGE
BEML LAYOUT,
KAMAKSHIPALYA,
BASAVESHWEANAGAR,
BENGALURU - 56 0079

RANGE GOWDA
SINCE DEAD BY HIS LRS

4. RAJANNA
S/O RANGE GOWDA,
AGED ABOUT 73 YEARS,
5. DODDE GOWDA
S/O RANGE GOWDA
AGED ABOUT 69 YEARS
6. CHANDRAPPA
S/O RANGE GWODA
AGED ABOUT 67 YEARS

RESPONDENT NO.4 TO 6 ARE
RESIDING AT BEERANAKALU VILLAGE
KASABA HOBLI
TUMKAURU TALUK
TUMKURU DISTRICT - 572 104

...RESPONDENTS

(BY SRI. MOHAMMED JAFFAR SHAH, AGA FOR R1 AND R2;
SRI. K.N.NITISH, ADVOCATE FOR
SRI. K.V. NARASIMHAN, ADVOCATE FOR R4 TO R6)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO CALL FOR THE RECORDS OF
THE CASE WP No-52321/2016 AND FURTHER BE PLEASED TO
DISMISS THE SAID WP No-52321/2016 AND GRANT SUCH
OTHER AND FURTHER RELIEFS AS ARE JUST IN THE INTEREST
OF JUSTICE AND EQUITY.

IN WA NO. 927/2025

BETWEEN:

SMT. CHIKKAMMA,
W/O. LATE DODDAIAH,
D/O. CHIKKAMMA,
DEAD BY LRS.,

1. NAVEEN KUMAR. M
S/O. MANNIGARAJU,
AGED ABOUT 28 YEARS,
BEERANAKALLU VILLAGE,
KASABA HOBLI,

TUMKUR TALUK,
TUMKUR DISTRICT-572 104.

2. SHARATH. M
S/O. MANNIGARAJU,
AGED ABOUT 21 YEARS,
BEERANAKALLU VILLAGE,
KASABA HOBLI,
TUMKUR TALUK,
TUMKUR DISTRICT-572 104.

...APPELLANTS

(BY SRI. DHANANJAY JOSHI, SR. COUNSEL FOR
SRI. PRATHEEP.K.C.,ADVOCATE)

AND:

RANGEGOWDA,,
SINCE DEAD BY HIS LRS.,

1. SRI. RAJANNA,
S/O. RANGEGOWDA,
AGED ABOUT 64 YEARS,
BEERANAKALLU VILLAGE,
KASABA HOBLI,
TUMKUR TALUK,
TUMKUR DISTRICT-572 104.
2. SRI. DODDEGOWDA
S/O. RANGEGOWDA,
AGED ABOUT 60 YEARS,
BEERANAKALLU VILLAGE,
KASABA HOBLI,
TUMKUR TALUK,
TUMKUR DISTRICT - 572 104.
3. SRI. CHANDRAPPA
S/O. RANGEGOWDA,
AGED ABOUT 58 YEARS,
BEERANAKALLU VILLAGE,
KASABA HOBLI,
TUMKUR TALUK,
TUMKUR DISTRICT - 572 104.

4. STATE OF KARNATAKA
BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
VIDHANA SOUDHA,
BANGALORE-56 0001.

SMT. ADAVAMMA,
W/O LATE CHIKKARANGAIAH,
SINCE DEAD BY HIS LRS.,
5. SRI. D. RAJAKUMAR
AGED ABOUT 51 YEARS,
S/O. DODDARANAGAIAH,
BEERANAKALLU VILLAGE,
KASABA HOBLI,
TUMKUR TALUK,
TUMKUR DISTRICT - 572 104.
6. SMT. PUTTARANGAMMA
W/O. LATE CHIKKANNA,
AGED ABOUT 71 YEARS,
BEERANAKALLU VILLAGE,
KASABA HOBLI,
TUMKUR TALUK,
TUMKUR DISTRICT - 572 104.
7. SRI. RANGASWAMAIAH
S/O. RLATE CHIKKARANGAIAH,
AGED ABOUT 69 YEARS,
BEERANAKALLU VILLAGE,
KASABA HOBLI,
TUMKUR TALUK,
TUMKUR DISTRICT-572 104.
8. SRI. B. C. HANUMAIAH
S/O. LATE CHIKKARANGAIAH,
AGED ABOUT 66 YEARS,
BEERANAKALLU VILLAGE,
KASABA HOBLI,
TUMKUR TALUK,
TUMKUR DISTRICT - 572 104.
9. LAND TRIBUNAL
TUMKUR TALUK,
TUMKURU-572 101.

10. SMT. SUVARNA
W/O. RAJENDRA,
D/O. LATE SHARADAMMA AND
SHIVANTHAVEERAPPA,
MAJOR,
R/AT NO. 276, 13TH CROSS,
1ST STAGE, BEML LAYOUT,
KAMAKSHIPALYA,
BASAWESHWARANAGARA,
BANGALORE-560 079.

...RESPONDENTS

(BY SRI. K.N.NITESH, ADVOCATE FOR
SRI. K.V.NARASIMHAN, ADVOCATE FOR R1-R3;
SRI. MOHAMMED JAFFER SHAH, AGA FOR R4 & R9
R5, R7, R8, R10 ARE SERVED AND UNREPRESENTED)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED ORDER IN WP No-52321/2016 DATED 24.04.2025 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONBLE COURT IN THE INTEREST OF JUSTICE AND EQUITY.

THESE APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT IS DELIVERED/ PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

These two appeals by the legal representatives of one Smt.Adavamma, respondent Nos.2(a) to (e) R2 and legal representatives of respondent No.2(c), calling in question

the order, which is common in both the appeals in W.P.No.52321/2016 dated 24.04.2025 passed by the Writ Court.

2. By the impugned order, the Writ Court allowed the writ petition, quashed the order passed by the respondent No.4-Land Tribunal and consequently rejected Form No.7 filed by the deceased Smt.Adavamma, seeking occupancy rights in Sy.No.39, of Beeranakallu Village, Kasaba Hobli, Tumakuru Taluk and District.

3. The parties are referred to as per their ranking before the Writ Court.

4. The facts germane to filing of this appeal are as under:

5. The legal representatives of owner of the land by the name Sri.Range Gowda were before the Writ Court, calling in question the order passed by the Land Tribunal granting occupancy in favour of legal representatives of Smt.Adavamma (the tenant in respect of Sy.No.39).

6. The admitted facts as narrated by the Writ Court are as under in respect of Form No.7 filed by Smt.Adavamma:

6.1 As per the contentions of the legal representatives of Smt.Adavamma, the land originally belongs to one Karimani Siddalingappa. In a family partition among the members of the said Karimani Siddalingappa on 24.11.1958, the land in Sy.No.39 totally measuring 9 acres was divided and allotted in favour of his two sons i.e., 1 acre on western side which was fallen to the share of one Shanthaveerappa and 8 acres on eastern side was fallen to the share of one K.S.Revanashetty.

6.2 On 05.04.1974, Sharadamma, wife of Shanthaveerappa, sold one acre of land which was allotted in favour of Shanthaveerappa in Sy.No.39 in favour of one Range Gowda.

6.3 A suit comes to be filed in O.S.No.86/1974 seeking a decree of injunction against Range Gowda and others in respect of the possession of Smt.Adavamma in

Sy.No.38/4 measuring 3 acres and Sy.No.39 measuring 1 acre along with a house on 18.04.1974.

6.4 In the suit, Smt.Adavamma had pleaded, which is more fully stated in Paragraph No.6 of the impugned order which reads as under:

"2.That the plaintiff, her husband, her mother and other children constitute a hindu undivided joint family. That the suit schedule property is being in possession and enjoyment of the plaintiffs family for past 50 years and the plaintiff and her family are cultivating the suit schedule land as tenants of the same.

During life time of the plaintiff's husband he was managing the family and after his death, the plaintiff is managing the family and she is cultivating the suit land as tenants. The plaintiff and her other family members are living in an hut constructed about 50 years ago in a portion of land in S.No.39 of the village. The plaintiff has herewith produced pahani copies of the suit survey numbers.

Dasappa shown, in the pahani copies is no other than the plaintiff's husband, Kardarammma (Rangamma) is no other then the plaintiff's mother and Dasappa and Chikkanna are no other than the sons of the plaintiff and Doddanarasaiah is no other than his brother. The pahani copies produced along with the plaint clearly shows that the plaintiff and her husband, and mother sons are cultivating the suit land as tenant of the suit lands.

Plaintiff is regularly paying rent to the 1st defendant's husband who died about 3 years ago."

7. In the said suit, on the eastern boundary, it was shown as land of Revanna Shetty in Sy.No.39. This clearly shows that Smt.Adavamma was aware of the fact that the land in Sy.No.39 belongs to Revanna Shetty. However, there is nothing stated specifically that the land belonging to Revanna Shetty, wherein deceased Adavamma is a tenant. The suit was ultimately ended in a compromise within three months from the date of filing of the suit, that is, on 05.09.1974, wherein in the first para of compromise, deceased Smt.Adavamma has unequivocally stated that plaintiff has no right of tenancy in suit lands. The suit lands stated in the said suit are Sy.No.38/4 and 39. However, it was not stated that the extent of land. Accordingly, in terms of the compromise, Range Gowda, father of the petitioners executed a registered sale deed in favour of Smt.Adavamma, for a sale consideration of ₹25,000/-, which is not in dispute. Therefore, it clearly indicates that Smt.Adavamma sought to acquire title over

1 acre with a hut in it in Sy.No.39 and consequently gave up her claim as a tenant of both Sy.No.38/4 and Sy.No.39.

8. When the matter stood thus between the parties, the Land Reforms Act came into effect on 01.03.1974, declaring that tenanted lands stood vested in the State and tenants in possession were conferred with a right to file an application and seek for occupancy rights. Subsequent to the statement of aforesaid Smt.Adavamma in the said suit, which was filed after coming into force of Land Reforms Act and ended in compromise, Sri.Revanna Shetty, had sold his share of land i.e., 8 acres in Sy.No.39 in favour of wife of Range Gowda on 28.05.1975. In the said sale deed, western boundary was shown as land belonging to Range Gowda and Adavamma. Subsequently thereof, on 12.02.1976, Smt.Adavamma filed Form No.7 seeking occupancy rights in respect of only 1 acre in Sy.No.39. Subsequently, she filed another Form No.7 claiming the very same extent of land. However, she has shown that she was the tenant of Shanthaveerappa and K.S.Revanna Shetty in both these applications, but, in

none of the applications, she has stated regarding the land which she has purchased in Sy.No.39, except stating regarding the land in Sy.No.38/4. Neither Smt.Adavamma amended the Form No.7 nor any evidence is given as to their contention now urged before the Land Tribunal and before this Court that they are cultivating 8 acres of land in Sy.No.39 fallen to the share of Revanna Shetty as tenants.

9. On 15.12.1981, the Land Tribunal on considering the aforesaid applications granted an extent of 30 guntas, against the claim made in Form No.7 which was the subject matter in W.P.No.33867/1981. This Court on 04.01.1985, allowed the petition and remanded the matter to the Land Tribunal for denovo inquiry.

10. On remand, the Land Tribunal again on 30.11.1987 by a majority decision conferred occupancy rights strangely in respect of 8 acres of land in Sy.No.39, observing that the decision in O.S.No.86/1974 would not apply to the remaining extent of 8 acres of land in

Sy.No.39, despite the fact that the claim made in Form No.7 was only with respect to 1 acre of land.

11. An appeal was preferred against the said order before the Land Reforms Appellate Tribunal. Upon abolition of the said Appellate Tribunal, the petitioner made a petition before this Court and the appeal stood transferred to this Court and numbered as W.P.No.13766/1991. This Court on 04.08.1987 allowed the petition and remanded the matter to the Land Tribunal for fresh consideration.

12. On 05.08.2016, the Land Tribunal rendered decision granting again 8 acres of land on the basis of spot inspection conducted and considering the material on record before it in favour of legal representatives of Smt.Adavamma.

13. Before the Writ Court, it was contented that the Smt.Adavamma filed a suit in 1974, staking a claim as she was tenant under Shanthaveerappa in respect of 1 acre of land in Sy.No.39 and in respect of Sy.No.38/4, measuring 3.5 acres, wherein in the schedule towards East, it was

shown as land of Revanna Shetty in Sy.No.39. However there is nothing specifically stated either in the plaint or in the schedule that the plaintiff is in possession of land as a tenant on the Eastern side. Subsequently, the parties entered into a compromise, wherein a categorical statement has been made by the plaintiff therein, i.e., Smt.Adavamma stating that she has no right of tenancy in the suit lands.

14. It was further contented that in the RTC, pertaining to the said Sy.No.39, upto 1970-71, it was shown that K.S.Chandrashekaraiyah was in possession of entire 9 acres of land and it was only in the years 1972-73 and 73-74, the names of Doddaiah, Mallaiah, Doddaiah, Kempaiah and Adavamma were entered without any basis and without mentioning the extent of land. However, the mode of cultivation was shown as "I" i.e., self-cultivation. In these circumstances, the Land Tribunal could not have conferred occupancy rights in respect of 8 acres of land in favour of Smt.Adavamma, in both the applications what was sought was only 1 acre in respect of Sy.No.39, and

the same was never sought to be corrected by means of an amendment application, prior to the date permitted by the Government to make such an application.

15. In contrast it was argued by learned Senior Counsel for the contesting respondents i.e., legal representatives of Smt.Adavamma in whose favour the occupancy right was granted that the records clearly indicates that Adavamma was in possession of 8 acres in Sy.No.39 as a tenant. The Land Tribunal was legally empowered to confer occupancy rights even if an application is made only for 1 acre, as it was the legal obligation of the Land Tribunal to examine and satisfy itself the extent of land which a tenant was in actual possession of land and could even without an application seeking for amendment in order to do complete justice, confer occupancy rights in respect of that land over which the tenant was in actual possession.

16. The sale in favour of Gangamma, i.e., wife of Range Gowda was *non est*, since the sale was executed subsequent to coming into effect of Land Reforms Act, as

on 01.03.1974, whereas the sale deed was subsequent to that i.e., on 28.05.1975. As such once the land stood vested in the Government, there is no right available to the land owner to convey the land subsequently. Further, Revanna Shetty, who has been examined as a witness, admitted that it was his brother Shanthaveerappa was looking after the entire extent of land and he is not aware that who was the tenant of the land. As such, the Land Tribunal was justified in conferring occupancy rights in favour of Smt.Adavamma. Further, pointing out towards the name reflected in RTC for the year 1973-74, that Smt.Adavamma was shown as a cultivator, that is tenant, as such the Land Tribunal was right in conferring the occupancy rights.

17. In support of his submission, learned Senior Counsel referred to several judgments, more fully stated in page No.21 of the judgment, which reads as under:

- "i) (2007) 15 SCC 629 - Syed Beary V. Dennis Lewis*
- ii) 2022 SCC Online 387 - Nadakerappa & Ors v. Pillamma & Ors*

- iii) *WA 3231/1997 - Smt.Gowramma v. Sheshappagowda & Ors.*
- iv) *2010 SCC Online Kar 5262 - Nandamma v. The Land Tribunal at Shorapur & Ors*
- v) *WP 10107/2012 - Sri R.S Sharana Basaveshwara & Ors v. Land Tribunal, Bangalore North Taluk & Ors*
- vi) *ILR 1998 Kar 1932 - Krishnappa Poojary v. N.V Rangappaiah*
- vi) *ILR 2005 Kar 4852 - Gangamma & Anr v. Tahsildar & Ors*
- vii) *1997 (5) KLJ 101 - U.T Venkata Rao v. Pakeera Patali & Ors."*

18. The Writ Court upon consideration of rival submissions and the materials placed before it, was of the opinion that the Smt.Adavamma had admittedly filed suit in O.S.No.86/1974 on 18.04.1974 (after coming into force of Land Reforms Act with effect from 01.03.1974) against the widow, daughter of Shanthaveerappa and also the purchaser of 1 acre of land in Sy.No.39 that is, Range Gowda, for a decree of permanent injunction, wherein she has claimed that she was tenant only in respect of one acre of land. Nowhere in the plaint, she has stated, either directly or indirectly that, she was in possession of remaining 8 acres of land in Sy.No.39 under Revanna

Shetty as a tenant and admittedly in the schedule towards eastern side of the suit property that is, 1 acre, it was shown as land belonging to Revanna Shetty in Sy.No.39.

19. The said Smt.Adavamma was aware of the fact that there is a partition and the land of 8 acres fallen to share of Revanna Shetty and 1 acre to Shanthaveerappa. The suit was subsequently compromised wherein it was stated that Smt.Adavamma has no right of tenancy in the suit lands. However, Form No.7 was filed subsequently in February 1976, that too only in respect of 1 acre of land in Sy.No.39 and after the fact that the land was sold by Revanna Shetty in favour of wife of Range Gowda, that is, Smt.Gangamma.

20. The Writ Court has stated that the compromise entered into in O.S.No.86/1974 would have no bearing on the remaining extent of land as compromise pertains only to 1 acre of land in Sy.No.39 and Form No.7 was filed in respect of remaining portion of land in Sy.No.39 cannot be countenanced. The Writ Court has observed that one more reason to believe that the claim of the Smt.Adavamma is

only with respect to 1 acre of land in Sy.No.39 is towards the eastern side of the suit schedule property, it was shown as land of Revanna Shetty in Sy.No.39. However, there is nothing forthcoming either directly or indirectly in the body of the plaint or in the schedule that in the said land towards eastern side of the land of Revanna Shetty, Smt.Adavamma was continuing as a tenant and in possession of the land. The Writ Court has further observed that, a categorical unequivocal statement is given in the compromise stating that she has no tenancy rights in the suit lands. This clearly postulates that she has no claim of tenancy in the said lands. As such, the lands were not vested with the Government. In these circumstances, the Land Tribunal does not get any jurisdiction to confer any occupancy rights in the land.

21. Further, the Writ Court has observed that as per the RTC for the year 1973-74, only the name of Smt.Adavamma was reflected, but not the extent of land, as admitted by Smt.Adavamma, she was in possession as a tenant earlier in respect of 1 acre and subsequently in

compromise accepted to get the sale through sale deed from Range Gowda, when the same was read with the pleadings in the plaint as well as compromise and RTC conjointly, what emanates is she was claiming only 1 acre of land in Sy.No.39. However, in view of the compromise in the suit, she had become owner only in respect of 1 acre of land as per the schedule shown in suit and has no right of tenancy in respect of remaining 8 acres of land.

22. So far as the contention of learned Senior Counsel regarding the power of Land Tribunal to grant occupancy rights, more than the one in excess or more than the one claimed in the application is concerned, the Writ Court has held that the power under Section 48(3) will not enjoin jurisdiction to the Land Tribunal to grant occupancy rights more than the one which is claimed, without there being any amendment to the such application on valid and good grounds. As such, the decisions referred to by the learned Senior Counsel are distinguishable and not applicable to the case on hand.

23. The power under Section 48(3) can be exercised, if an application is filed within time granted or extended by the Government for filing the Form No.7 and not beyond that. In the case on hand, beyond several years after the last date fixed for filing Form No.7 had expired, claim of 8 acres stated that too without seeking amendment. In these circumstances, the Land Tribunal ought not to have without there being any amendment application filed within time, proceeded to grant occupancy rights in respect of 8 acres. The Writ Court having deliberated on the judgments at paragraph No.53 has stated that none of the judgments are applicable to the case on hand and proceeded to conclude that Smt.Adavamma being the owner of 1 acre in Sy.No.39 and suppressed this important fact when she filed Form No.7, was disentitled to file Form No.7 in respect of any portion of land in Sy.No.39. Further, held that the reliance placed on the deposition of Revanna Shetty to contend that he has stated that he was unaware as to whether the land was tenanted or not and the land was being managed by

Chandrasekharaiah does not establish that Smt.Adavamma was in possession of the lands as a tenant. If a witness says that his brother was managing the land and that he has sold it to a third party and deposes that he does not know whether the land was tenanted cannot lead to an inference that Smt.Adavamma is in possession of the property as a tenant in respect of 8 acres of land. On the ultimate analysis, the Writ Court proceeded to pass the order allowing the writ petition and quashing the order passed by the Land Tribunal. It is this order passed by the Land Tribunal is called in question in this appeal.

24. Heard Sri.R.S.Ravi, learned Senior counsel assisted with Sri.Kishan G.S, learned counsel for appellants, Sri.Mohammed Jaffar Shah, learned Additional Government Advocate for respondent Nos.1 and 2 and Sri.K.N.Nitish, learned counsel appearing for Sri.K.V.Narasimhan for respondent Nos.4 to 6, so also the learned counsel for appellants in connected writ appeal.

25. The arguments of learned Senior counsel Sri.R.S.Ravi, is nothing but reiteration of the contentions

taken before the Writ Court. The contention taken now is that the statement made by Smt.Adavamma in compromise petition, that the plaintiff has no right to tenancy in the suit lands, means in respect of suit land which was only 1 acre in Sy.No.39 and not the remaining 8 acres in Sy.No.39. The reason being neither in the compromise petition nor in the plaint, nowhere Smt.Adavamma has stated that she has no tenancy rights in respect of 8 acres of land in Sy.No.39 that belonged to Revanna Shetty, as the suit land is different and the 8 acres of tenanted land is different.

26. As per the learned Senior counsel, the mistaken notion of mentioning of 1 acre of land in Form No.7 is due to the illiteracy of Smt.Adavamma, who is a rustic villager. But the fact remains that Revanna Shetty has conveyed the property subsequent to coming into force of Land Reforms Act in 1974. The land stood vested under Section 44 of the Land Reforms Act in favour of the Government. In these circumstances, the subsequent purchasers loses

the right to question the tenancy rights in the land which is deemed to be vested in the Government.

27. Further, learned Senior counsel submits that the learned Single Judge has given a complete go by to the evidence which was correctly considered by the Land Tribunal that is Vara receipts, RTC entries for the relevant period, which stood in the name of family members of the tenants which were evidenced in Annexures-J, K, L and spot inspection report which indicates that the inspection is being made in respect of 8 acres of tenanted land. Further, he has submitted what is weighed much is, in the suit filed the schedule shown towards eastern and the first statement in the compromise petition regarding tenancy. Learned Senior counsel submits that the statement made is restricted only in respect of 1 acre of land and not to the extent of 8 acres of land, as there is no pleading either in the plaint or in the compromise petition stating that the Smt. Adavamma has no right of tenancy in respect of remaining 8 acres of land. The Tribunal has properly considered these aspects of the matter being the fact

finding authority, upon properly appreciating the materials placed on record, which the Writ Court has failed to consider, as such the order passed by the Writ Court is erroneous and required to be set aside.

28. *Per contra*, Sri.K.V.Nitish, reiterated his submissions before us by filing synopsis and dates of events, contended that the Writ Court has properly considered the entire material, especially the admitted facts in view of the suit filed in the year 1974 i.e., after coming into force of the Land Reforms Act, wherein there is a categorical admission that Smt.Adavamma had no tenancy rights in respect of suit land in Sy.Nos.38/4 and 39 and showing the name of Revanna Shetty, the land owner towards the eastern side in respect of the suit schedule property, without stating that she is in possession of the land as tenant either in the plaint or in the compromise petition or in the schedule, presupposes that Smt.Adavamma was not a tenant in respect of 8 acres of land. Though the name of Smt.Adavamma was shown in the RTC for the year 1973-74, but the extent was not

stated and the mode of cultivation was stated as "I" "Self". Smt.Adavamma having purchased the land much prior to filing of the Form No.7 in the year 1974 and aware of the land being sold in 1975 made an attempt by filing Form No.7 to claim occupancy rights in respect of remaining 8 acres of land, which has been properly considered on the basis of records available by the Writ Court and as such no interference is warranted at the hands of this Court.

29. Having considered the rival submissions and the synopsis exchanged by both the parties, we have gone through the entire writ appeal papers in both the appeals and in our considered opinion, the Writ Court has properly considered the entire material with all painstaking effort. As such nothing survives in this appeal to consider and interfere with the order. Admittedly Smt.Adavamma filed suit in O.S.No.86/1974. She had not at all stated anything regarding remaining 8 acres of land, but stated and stake claim only in respect of 1 acre, that too after coming into force of the Land Reforms Act. In the suit schedule towards eastern side of the suit schedule property, she has

categorically and unequivocally stated as the land of Revanna Shetty in Sy.No.39. However, nothing specified that she was in cultivation of the land and in possession as a tenant under Revanna Shetty. She was aware of the fact of family partition way back in the 1958, wherein the land in Sy.No.39 on the eastern side 8 acres was fallen to the share of Revanna Shetty and only 1 acre was fallen on the western side to Shanthaveerappa. She has purchased the property in view of compromise terms prior to filing of the Form No.7. However, for best reasons known to her, she has not shown the said property in the column provided in Form No.7 regarding the ownership of other lands except stating in respect of Sy.No.38/4.

30. To the query of this Court, learned Senior counsel is not in a position to answer as to why there is nothing mentioned in the body of the plaint regarding remaining 8 acres of land or specifically stating that the plaintiff is in possession of eastern side land belonging to Revanna Shetty as a tenant. On the other hand in a feeble voice he has tried to make out a case that the there is no

specific assertion in the plaint stating that she is not the tenant in respect of 8 acres of land. We are not convinced or inclined to accept such a submission in the presence of other records.

31. The contention that the land owner i.e., Revanna Shetty has stated that his brother was looking after the entire extent of land and he is not aware of the fact that who was the tenant, would not enure to the benefit of Smt.Adavamma to stake a claim that she is in possession of the remaining 8 acres of land as a tenant. A person who approaches the Court by filing Form No.7 has to establish that he was tenant and in that capacity was cultivating the land as on the appointed date, as per the Karnataka Land Reforms Act.

32. As per the provisions of the Land Reforms Act, 1961, only those lands which are tenanted lands as of the date of coming into force of the Land Reforms Act are deemed to be stood vested with the Government under Section 44 and not other lands. As such, the Government has power to enable the Land Tribunal constituted under

the Act to grant occupancy rights in respect as the land stood vested in the Government, free from all encumbrances and not in private lands. In the case on hand, the material as well as admitted facts clearly shows that the land remained as a private land and never stood vested in the Government.

33. The submission that the Land Tribunal was vested with the power to grant land more than the extent specified in Form No.7, not convinced us as no such application filed seeking for amendment within the time prescribed for filing Form No.7. The power enjoined under Section 48(3) of the Land Reforms Act specifically says regarding the circumstances under which the Land Tribunal has got power to make corrections. The time extended under 48(5) is the decisive factor even to make an application. The reason being even the original Form No.7 filed beyond the time is not maintainable, the same applies to an amendment, even if it is filed beyond the reasonable time in respect of an application which is filed within time. The judgments referred are all discussed and stated by the

Writ Court in paragraph No.53 as distinguishable and not applicable to the case on hand. We have gone through the entire judgments and the consideration of the same by the Writ Court.

34. We are not inclined to countenance the submission of learned Senior counsel that, the land claimed in the suit is only 1 acre and statement made in the compromise petition, restricts to said 1 acre in Sy.No.39. The reasons being under the compromise the defendant No.5 who has purchased land of 1 acre against which tenancy rights stated came forward to execute the absolute sale deed in respect of said land, in these circumstances stating that the statement in compromise petition regarding giving up of tenancy rights in that land does not arise, as the land is conveyed by way of sale, as such only one plausible meaning could be ascertained is one considered by the Writ Court that the statement is in respect of 8 acres of land in Sy.No.39.

35. We having found no infirmities in the order passed by the Writ Court, hold that, the writ appeal filed by

the legal representatives of Smt.Adavamma sans merits.
Accordingly, we ***dismiss*** both the writ appeals.

In view of dismissal of appeals, pending application/s if any does not survive for consideration and the same are disposed of as having become infructuous.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

RR
Ct:Vn