

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 29TH DAY OF JUNE 2012

BEFORE  
THE HON'BLE MR. JUSTICE HULUVADI G.RAMESH

**W.P No.16795/2012 (LR)**

BETWEEN :

SRI MALLADADA KOTRAPPA  
AGED 52 YEARS  
S/O LATE ESHWARAPPA  
OCCUPATION: AGRICULTURE  
R/O ITTIGUDI BEVANAHALLI VILLAGE,  
HARAPANAHALLI TALUK  
DAVANAGERE DISTRICT ...PETITIONER

( By Sri. VIGHNESHWAR S SHASTRI & Vinod Gowda )

AND :

1 THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
PRINCIPAL SECRETARY  
REVENUE DEPARTMENT  
MULTI-STORIED BUILDING,  
BANGALORE 560 001

2 THE LAND TRIBUNAL,  
HARAPANAHALLI  
REPRESENTED BY ITS CHAIRMAN  
HARAPANAHALLI TALUK  
DAVANAGERE DISTRICT

3 THE ASSISTANT COMMISSIONER  
HARAPANAHALLI SUB-DIVISION  
DAVANAGERE DISTRICT

4 SHRI DODDAMANI BASAVARAJAPPA  
 AGED 60 YEARS  
 S/O KOTRABASAPPA  
 OCCUPATION: AGRICULTURE  
 R/O ITTIGUDI, BEVINAHALLI VILLAGE,  
 HARAANAHALLI TALUK  
 DAVANAGERE DISTRICT

5 SHRI R RUDRASWAMY  
 S/O MURAGENDRAPPA  
 AGE: MAJOR  
 OCC BUSINESSMAN  
 CHOWKIPET  
 DAVANAGERE

...RESPONDENTS

( By Sri. S.S.Karamadi HCGP FOR R1-3 )

W.P is filed under Articles 226 & 227 of the Constitution of India praying to quash the order at Annexure-J dated 28-3-2012 passed by R-2 Land Tribunal.

This W.P coming on for orders this day, the Court passed the following:-

### **ORDER**

Office objections dispensed with.

2. Petitioner is seeking to quash the impugned order at Annexure-J dated 28-3-2012 passed by the Land Tribunal in No.Form-7/LRM/696/76-77 granting occupancy rights in favour of 4<sup>th</sup> respondent to an extent of 4-20 acres in Sy.No.4 of Neelagund village and 2-67 acres in Sy.No.61/A of Ittigudi village.

3. The case of the petitioner is that he is a tenant of land in Sy.No.61/A and he has not filed Form No.7 claiming occupancy rights. However, he filed Form No.7A and the Assistant Commissioner, by his order at Annexure-F dated 30-6-2003 rejected the application. Aggrieved by the same, the petitioner has filed Appeal No.930/2006 and the same is pending before the Karnataka Appellate Tribunal. During the pendency of the said appeal, since the impugned order is passed by the Land Tribunal conferring occupancy rights in favour of 4<sup>th</sup> respondent in respect of the land in question, this writ petition is filed seeking to quash the same.

3. The impugned order is preceded by several orders passed earlier by the Land Tribunal which were the subject matters of writ petitions and this Court quashed those orders and remanded the matter to the Land Tribunal for fresh disposal. Petitioner appears to have not challenged any of those orders. He is not even a party before the Land Tribunal. Therefore, at his instance the impugned order cannot be quashed. He has no locus standi to maintain this writ petition.

4. Petitioner is already before the Appellate Tribunal against rejection of his claim. It is for him to prove his claim of tenancy over the land in question. He has to prove his case independently.

5. Writ Petition is dismissed. However, the Appellate Tribunal is directed to dispose of the pending Appeal No.930/2006 expeditiously.

6.Learned Government Pleader is permitted to file his memo of appearance in four weeks.

Sd/-  
JUDGE

MP