

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST 2016

BEFORE

THE HON'BLE MR.JUSTICE S. ABDUL NAZEER

WRIT PETITION NOS.42515 & 44925/2014 (LR)

Between:

Muniswami,
Since deceased by his L.Rs.

- 1 Sri Venugopala,
S/o late Muniswamy,
Aged about 48 years.
- 2 Sri Ramesh,
S/o late Muniswamy,
Aged about 40 years.
- 3 Smt.Shanthamma,
D/o late Muniswamy,
Aged about 47 years.
- 4 Smt.Ammayamma,
Widow of Nagaraj,
Aged about 45 years.
- 5 Sri Sunil,
S/o late Nagaraj,
Aged about 35 years.

6 Sri Puttaraju,
S/o late Nagaraj,
Aged about 30 years.

7 Smt.Anusuyamma,
Widow of Anandappa,
Aged about 45 years.

8 Smt.Bhavani,
D/o late Anandappa,
Aged about 20 years.

All are r/o Madura Nagara,
Sorahunase Post,
Virthur Hobli,
Bangalore East Taluk 560 087.

.... Petitioners.

(By Sri S.R.Hegde Hudlamane, Adv.)

And:

1 Land Tribunal,
Bangalore East Taluk,
Bangalore – 36,
Reptd. By Secretary.

2 Sri R. Narayanappa,
Since deceased by his L.Rs.

2a. Sri Muniraj,
S/o late R.Narayanappa,
Aged about 39 years,
Agriculturist.

- 2b. Smt.Nagarathnamma,
D/o R. Narayanappa,
W/o Shivaramaiah,
Aged about 42 years.

Respondent Nos.2a and 2b are r/o
No.110/7, Thimma Reddy Layout,
(NTR Enclve), Marthahalli,
Bangalore 37.

- 2c. Sri Murthy,
S/o late Narayanappa,
Aged about 35 years,
R/o Madura Nagara,
Sorahunase Post, Virthur Hobli,
Bangalore East Taluk 87.

- 3 Deputy Commissioner,
Bangalore East Taluk,
Bangalore 560 036.

.... Respondents.

(By Sri Shivaprabhu Hiremath, AGA for R1 and R3
R2a, R2b and R2c service held sufficient)

These Writ Petitions are filed under Articles 226 & 227
of the Constitution of India, praying to set aside only the
portion of the order dated 14.2.2011 passed by the first
respondent at Annexure 'D', etc.

These Writ Petitions coming on for Final Hearing this
day, the Court passed the following:

ORDER

I have heard the learned Counsel for the petitioners and learned AGA appearing for R1 and R3. The other respondents are not represented.

2. This Court in W.P.No.15939/1993 disposed of on 27.1.2005 had quashed the order of the Land Tribunal dated 22.6.1982 granting occupancy rights to an extent of 20 guntas of land in Sy.No.98 of Varthur Village in favour of R.Narayanappa and the matter was remitted back to the Land Tribunal for fresh disposal in accordance with law. The Land Tribunal by order at Annexure 'D' dated 14.2.2011 has again considered the application filed in form No.7 in its entirety for grant of occupancy rights and has rejected the claim of the petitioners. This order is contrary to the order of this Court in W.P.No.15939/1993 dated 27.1.2005. The Land Tribunal ought to have confined the application to an extent of 20 guntas of land in Sy.No.98 of Varthur Village.

Therefore, the order at Annexure 'D' dated 14.2.2011 is hereby quashed and the matter is remitted back to the Land Tribunal, Bangalore East Taluk, Bangalore, for fresh consideration in terms of the order in W.P.No.15939/2003 dated 27.1.2005. Writ petitions are disposed of accordingly. No costs.

*Sd/-
JUDGE.*

BMM/-