

(1994) 08 KAR CK 0032

In the Karnataka High Court

Case No : Writ Petition Nos. 18536 to 18539 of 1994

1chikka Huchaiah and Another

APPELLANT

Vs

Assistant Commissioner, Bangalore Sub-division, Bangalore

RESPONDENT

Date of Decision : 09-08-1994

Acts Referred:

Karnataka Village Offices Abolition Act, 1961 — Section 5(3)

Citation : (1994) 3 KarLJ 626

Hon'ble Judges : M. M. Mirdhe, J

Judgement

1. These writ petitions are filed to quash the endorsement-Annexure-C issued by the Assistant Commissioner refusing permission to the petitioners to alienate the lands in question.

2. I have heard the learned counsel for the petitioners. The learned Government pleader has remained absent.

3. It is not disputed that the lands are regranted to the petitioners under Section 5(1) of the Karnataka Village Offices Abolition Act, 1961. Section 5(3) of the said Act lays down that the land shall not be alienated for a period of 15 years from the date of commencement of Section 5(1) of the Village Offices Abolition Act, 1961. The Karnataka Village Offices Abolition (Amendment) Ordinance, 1978 came into force on 7-8-1978. 15 years period will complete on 7-8-1993. The bar is only from the date of commencement of the Act and not from the date of the re-grant. The Tahsildar was wrong in incorporating such a condition in the regrant order. This position of law is re-enforced from the ruling of this Court in the case of Syed Bhasheer Ahamed and Others v State of Karnataka, 1994 (1) Kar. L.J. 385, wherein it has been held that there was an absolute bar for 15 years and again from 7-8-1993 there is no bar. Hence, I proceed to pass the following:

ORDER

The petition is allowed and the endorsement issued by the Tahsildar challenged

in these writ petitions is quashed holding that the bar against alienation is applicable upto 7-8-1993.