

(1999) 09 KAR CK 0050

In the Karnataka High Court

Case No : Land Reforms Revision Petition No. 1012 of 1988

Ananda

APPELLANT

Vs

The Land Tribunal, Virajpet, Kodagu District and Other

RESPONDENT

Date of Decision : 28-09-1999

Acts Referred:

Karnataka Land Reforms Act, 1961 — Section 121 A, 48 A

Citation : (2000) ILR (Kar) 1556 : (2000) 2 KarLJ 631 : (2000) 2 KCCR 20 SN

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : Sri Gangi Reddy for Sri K. Subba Rao, for the Appellant; Sri H.S. Surendra, High Court Government Pleader, Sri R.S. Belliappa, Sri N.R. Kamath and Sri S.B. Pavin, for the Respondent

Judgement

1. The petitioner has filed this revision petition challenging the order passed by the erstwhile Land Reforms Appellate Authority, Kodagu, Madikeri in Nos. 42 and 49 of 1987-88, dated 11-1-1988 by setting aside the order passed by the Land Tribunal dated 5-11-1977 in Case No. LRM/42/74-75 by dismissing Appeal No. 42 filed by the petitioner and allowing the appeal filed by the deceased-second respondent and the third respondent, urging various legal contentions.

2. The necessary brief facts are stated as hereunder for the purpose of considering the rival contentions urged by the parties in this revision petition.

The petitioner filed Form No. 7 dated 10-7-1974 u/s 48-A of the Karnataka Land Reforms Act, 1961 (in short, "the Act") claiming occupancy rights in respect of the lands bearing Sy. No. 70, measuring 4.5 acres, Sy. No. 72 measuring 1.91 acres in Ambatti Village contending that he was a tenant since eight years as on the date of filing of the application. It is the further case of the petitioner that, on 29-9-1975 he filed another Form No. 7 in respect of 3.00 acres in Sy. No. 71, measuring 4.09 acres, Sy. No. 69 measuring 5.63 acres, Sy. No. 75 measuring 2.78 acres of Ambatti Village claiming that he is in possession as tenant of the same since eight years. The Land Tribunal-the first respondent herein after

recording the statements of the parties and their witnesses by its order dated 11-11-1976 conferred occupancy rights in favour of the applicant in respect of Sy. No. 70 of 4.50 acres and Sy. No. 72 of 1.91 acres together with the land on which he has his residential house and the grazing lands. Respondents 2 and 3 filed writ petition before this Court in W.P. No. 6289 of 1976 challenging the said order of the Tribunal. This Court quashed the order of the Tribunal by its order dated 15-12-1976 and remitted back the matter to the Tribunal for fresh consideration.

3. The Tribunal after conducting enquiry, again granted occupancy rights vide its order dated 5-11-1977 in favour of the petitioner. That order came to be challenged by the second and third respondents in W.P. No. 12406 of 1977 connected with W.P. No. 12407 of 1977 before this Court. This Court passed an order on 8-8-1979 holding that the proceedings before the Tribunal were unsatisfactory. Therefore, the order passed by the Tribunal was held to be vitiated. Against that order, the writ appeal was filed by the petitioner in W.A. Nos. 1301 and 1302 of 1979. In the meanwhile, due to the amendment to the Karnataka Land Reforms Act, 1961, the Division Bench of this Court set aside the order of the learned Single Judge and the writ petitions were transferred to the erstwhile Land Reforms Appellate Authority, Kodagu. The Appellate Authority, after considering the matter has passed the impugned order dated 11-1-1988 as referred to above.

4. The learned Counsel for the petitioner strongly contends and places much reliance on the appointed date i.e., as on 1-3-1974 the petitioner and his family members were in actual possession and enjoyment of the lands in question as tenants. In support of the same, he has produced Ex. A. 1 dated 9-2-1975, Ex. A. 2 dated 22-3-1978. It is further stated that, Ex. A. 1 which is a chit, has been admittedly written by the deceased second respondent-landlord directing the petitioner to measure the paddy and give to Ramesh Master on his behalf. Likewise, Ex. A. 2 is also a chit issued by Kartacheria for having received 3 cart loads of paddy on behalf of the landlord. It is further contended that above said documents bear eloquent testimony of the fact that the petitioner and his family members were in actual possession and enjoyment of the lands as tenants as on the appointed date. As per the directions of the landlord, the petitioner was delivering paddy towards his portion. It is contended that, Ex. A. 3 dated 16-12-1974 is a certificate issued by the Revenue Inspector, Virajpet Circle to the effect that there is no levy for 1973-74 in respect of Achari Ananda of Ealagodu Village. Therefore, the said document was also brushed aside for the reason that the author of the said document has not been examined. Therefore, it is contended that the findings and the observations made by the Appellate Authority are arbitrary and the same are liable to be set aside.

5. Further, it is contended that the petitioner proved the factum of possession as on the appointed date in respect of the lands in question. He had produced the relevant documents like house tax receipts, kandayam receipts. The

acknowledgement of the said documents were pertaining to the period subsequent to 1-3-1974 but he contends that, they bear testimony to the fact that throughout from the year 1961, the petitioner and his family members were in actual possession and enjoyment of the lands. Further, it is contended on behalf of the respondents 2(a) and 2(b) and third respondent that, up to 1-3-1974, the landlord himself was paying the Kandayam in respect of the petition-lands but there are no other documents to show that the lands were being cultivated by him therefore, they were coolies is the statement deposed by him before the Tribunal. Further, it is an undisputed fact that, landlord is residing at Siddapura at distance of eight miles away from the lands in question. He further contended that there is no agricultural establishment in the village of the landlord where the lands are situated.

5-A. Therefore, the contention of the landlord that he used to get the petition-lands cultivated through coolies and one of them was examined wherein he has deposed that he used to go there and work as a "coolie" engaged by the petitioner likewise Rama Naik has also deposed stating that, he was cultivating the petition-lands on "Vara" basis for two years from 1965-67 and subsequently the petitioner's family members have been cultivating the same.

6. It is contended by the learned Counsel for the petitioner-Sri Gangi Reddy that, the appreciation of evidence on record by the Appellate Authority in a arbitrary manner and rejection of the claim of the petitioner in respect of the lands in question is not permissible though R.W. 1-K.M. Kariappa has contended that, the petition-lands have been cultivated by him through coolies and he used to go over and come from Siddapura and it is also admitted that the document Ex. A. 1 is issued by him and further contended that there is no reasonable explanation forthcoming from him for having issued the said document except to support the petitioner and what is stated further is wholly irrelevant. It is further submitted on behalf of the petitioner that, the Appellate Authority ought not to have placed reliance on the RTC records right up to the year 1964 which are maintained only after coming into force of the Karnataka Land Revenue Act, 1964 as fact of correspondence of the Record of Rights came into force. Therefore, it is contended that the Appellate Authority has exceeded in its appellate jurisdiction in reappreciating the evidence on record and set aside the order of the Land Tribunal granting occupancy rights in favour of the petitioner. In support of this contention, the learned Counsel for the petitioner places strong reliance upon the various pronouncements of the Privy Council and the Hon'ble Supreme Court, with regard to the reappreciation of the documentary evidence on record by the Appellate Authority i.e., Exs. A. 1 to A. 3. The judgments on which the reliance is placed by the learned Counsel for the petitioner will be referred to in the reasoning portion of this judgment while answering the legal question raised by the learned Counsel for parties.

7. Learned Counsel appearing on behalf of respondent 2(a) and 2(b)-Sri N.R. Kamath sought to justify the order passed by the Appellate Authority contending

that, the Appellate Authority has rightly reappreciated the evidence with reference to the documentary and oral evidence and recorded its findings by giving valid and cogent reasons after setting aside the findings of the Tribunal holding that the same are erroneous in law. Learned Counsel in support of his submission has placed reliance on the judgments of the Supreme Court and this Court for the proposition that, the Appellate Authority in exercise of its power and discretion passed a well considered order fairly considering all facts correctly and according to the rules and the same shall not be interfered with by this Court in exercise of its revisional jurisdiction contending that the exercise of power by the Appellate Court has been exercised correctly and further, this Court in exercise of its revisional power u/s 121-A of the Act shall not interfere with the findings of fact recorded by the Appellate Authority as it would amounts to reappreciation of evidence by this Court in exercise of its revisional jurisdiction, which power is not empowered to go into the findings of the Appellate Authority unless the same are contrary to the material evidence on record or in the absence of any evidence supporting the case of the landlord or the reasons given by the Appellate Authority are perverse for the reason that the findings recorded by it are unsupported by the evidence on record. In support of this contention, the learned Counsel for the landlord relied upon the judgment of this Court in Vilas alias Gundu Ananthacharya v State of Karnataka, Paragraphs 17, 19 and 33 1975(1) Kar. L.J. 155 (sic) and 1981 Kar. L.J. 155 (sic), paragraph 5, for the proposition that, the findings recorded by the Tribunal are binding on the parties even though the decision has been rendered by the authority erroneously. Therefore, the learned Counsel for the landlord/respondents 2(a) and 2(b) submits that the impugned order need not be interfered with by this Court in exercise of its revisional jurisdiction.

8. This Court, after hearing the matter at length considered the various grounds urged by the learned Counsel appearing on behalf of the parties with reference to the various pronouncements of Privy Council, Supreme Court and this Court on various legal contentions raised by the respective parties. This Court perused the orders passed by the Land Tribunal, the Appellate Authority and the records of both the authorities, after perusing the same this Court has proceeded to examine the legal contentions and answer the same as hereunder:

9. The Appellate Authority in the impugned order has referred to the documentary and oral evidence and discussed the said evidence after appreciating the same and recorded its reasons. At paragraphs 14 and 15, it has also considered the documentary evidence like Exs. A. 1 to A. 3 and Exs. R. 1 to R. 3. In the said paragraphs of the impugned order, the contents of Ex. A. 1 are extracted in Kannada which is dated 9-2-1975. A. 2 is dated 22-2-1972. According to the petitioner, A.1 was written by the deceased second respondent-Kariappa and A. 2 is written to the petitioner by Karthachari Nani. The contents of the document at Exhibit A. 1 is that, his share of paddy shall be measured and given to Ramesh Master. With reference to the aforesaid documents, the Appellate Authority has discussed the contents of the document in detail at

paragraphs 14, 15 and 16 of the impugned order, the contents of the said documents are extracted and the same have been reappreciated by it and the reasons are recorded by the Appellate Authority. The said documents have not been accepted by the Appellate Authority is the finding recorded by it by assigning its reasons stating that, P.B. Bhojaraju was examined as witness on behalf of the landlord who has stated that, he used to be present on all occasions when vara paddy was delivered but he has not stated that said Karthachari Nani received the vara paddy on 22-2-1972 and issued A. 2. Therefore, the Appellate Authority has not considered these documents by appreciating the contents properly, which documentary evidence is in favour of the petitioner. Further, it has recorded a finding that the Tribunal was not right in throwing the burden on the landlord that he has not proved that he was personally cultivating the lands holding that the Tribunal has lost sight of the fact of the initial burden was on the petitioner applicant to prove that he was cultivating the disputed lands as on 1-3-1974 and immediately prior to that date in respect of the lands in question as tenant. At paragraph 15 of the impugned order the Land Reforms Appellate Authority has recorded its finding holding that it has not accepted the contents of Ex. A. 1 after it has extracted the contents of the said document in the impugned order and it has interpreted the contentions urged by the learned Counsel for the parties and held on the basis of the contents of the document Ex. R. 1 wherein reference is made to the words used in the letter as "Nanna Yajamanarige" thereby, the said letter would clearly establish the relationship of landlord and tenant between the deceased second respondent and the petitioner. Further, in the letter Ex. R. 1 written by the petitioner the word "waiting" marked in red ink, it is stated that he had delivered vara paddy to the landlord. The deceased second respondent-landlord has stated in his letter at Ex. A. 1 that paddy was stored in his house at Ambatti. The contents of this letter has been interpreted by the Appellate Authority and recorded its findings holding that it does not mean and cannot be understood that paddy given by the petitioner towards vara paddy was due to the deceased second respondent. Further, the Appellate Authority has considered the contents of Ex. A. 1 wherein he has stated that he had told Ananda to bring the lorry for transporting the paddy and in that connection applicant sent letter at Ex. R. 1 by way of reply to the letter at Exhibit A. 1. The Tribunal in its order made a mention about the word "Yajaman" written by the petitioner in Ex. R. 1, and recorded its findings in favour of the petitioner stating that there is a relationship exists between the parties as tenant and landlord. Further, the contention of the deceased second respondent-landlord that the petitioner was by profession a driver and he had been living with his mother and therefore he was not cultivating the lands in question as a tenant. Further, it has recorded its reasons that it is true that the existence of Exs. A. 1 and R. 1 which are admitted by the deceased second respondent. Also, he could not explain as to why the petitioner addressed him as "Yajaman" in Ex. R. 1 therefore, this document goes to show that there was relationship of landlord and tenant between the petitioner and the deceased second respondent. Therefore, the landlord directed the petitioner to give his share of crop to the

Ramesh Master as he used to go to the suit lands on behalf of the deceased second respondent.

10. Further, it is stated that in Ex. A. 1, nowhere it is mentioned that "vara" paddy has come into existence subsequent to 1-3-1974. Therefore, the contents of the said documents have been interpreted by the Appellate Authority and held that, Exs. A. 1 and R. 1 do not go to show that the petitioner was asked to deliver the paddy which was to be given to the landlord as "vara" paddy by the petitioner. Further, the Appellate Authority has wrongly come to the conclusion contrary to the contents of the documents referred above holding that, it would be natural that elders will be called as "Yajaman" since deceased second respondent 2 and respondent 3 are the owners of the house situated in Bane land, the applicant-petitioner and his mother were residing in the said house. The further evidence of landlord has been taken into consideration by the Appellate Authority and it has come to the wrong conclusion that the contents of Ex. A. 1 do not support the claim of the petitioner to establish the relationship between the petitioner and the deceased second respondent as that of tenant and the landlord. Hence, the finding of fact recorded by the Appellate Authority at Exs. A. 1 and R. 1 does not support the claim of the petitioner, is not based on the contents of the documents, and therefore the Appellate Authority has erred in wrongly interpreting the contents of the documents contrary to the real intention of the parties regarding the contents of the same and recording the findings against the petitioner, which are opposed to the contents and the real intentions of the parties in writing those documents and therefore the same are erroneous findings. Therefore, the conclusions and findings recorded by it are wholly unsustainable in law and they are liable to be quashed.

11. Further at paragraph 16 of the impugned order the Appellate Authority has considered the contents of Ex. A. 3, the certificate issued by the Revenue Inspector on 16-12-1974 to the petitioner to the effect that there is no levy for the year 1973-74 in respect of Achari Ananda of Balagodu Village and the same has not been accepted by it on the ground that the applicant has not examined the author of that document, and that there is nothing to show that it pertains to the disputed lands as the survey numbers and the name of the village did not find a place in that document. Consequently, it was held that Ex. A. 3 does not come to the aid of the petitioner and it has not been relied upon at the time of recording findings by the Appellate Authority. But the Land Tribunal has considered this aspect of the matter and found that applicant does not own lands and that the levy clearance certificate pertains to the lands in question. Added to this, the neighbouring witness has supported the case of the petitioner and he has stated that he was an eyewitness for the payment of levy by the petitioner to the Revenue Authority. The evidence of the said witness has remained uncontroverted by the second respondent. The Appellate Authority has lost sight of this important aspect of the material evidence in favour of the petitioner. Hence, the conclusion arrived at by it and the findings recorded by it are not correct. This Court in the case of Vitas, supra, has held that if the finding recorded by the

Appellate Court is not supported by the evidence on record or if the evidence is grossly misread, this Court can reappreciated the evidence under the revisional power. If the evidence of the aforesaid witness, in favour of the petitioner which was not challenged or rebutted, is not taken into consideration, by the Appellate Authority, therefore, it is obvious that it has grossly erred in reversing the findings of fact recorded by the Land Tribunal based on positive and substantive evidence on record.

12. The Land Tribunal had occasion to watch the demeanour of the witnesses who spoke to the contents of the documents before it. The Tribunal accepted the documentary evidence after proper appreciation of the same and recorded its findings holding that the said evidence would establish the claim of the petitioner. The Tribunal referred to the statement filed by the deceased second respondent who has stated that he used to cultivate the lands through labourers. From this, it is clear that the lands were not cultivated personally by the deceased 2nd respondent. It is an admitted fact that Devaiah, the brother of the 2nd respondent, was staying away and his lands were also being looked after by the deceased second respondent. In the cross-examination he had admitted that he resides at a distance of 8 kms from the lands in question. His evidence also discloses that he has an estate at Siddapur where he resides. From this evidence it can be gathered that the husband of the respondent 3 was looking after his estate at Siddapur and the lands in question were not cultivated by him personally. If that is the position, the cultivation of the lands by the petitioner as a tenant cannot be doubted. The Appellate Authority failed to view the matter in this perspective manner. As a result of which, it has arrived at a wrong conclusion, and recorded its findings contrary to the positive and substantive evidence on record in support of the claim of the petitioner and further the Appellate Authority on wrong interpretation of the contents of the documents which are in favour of the petitioner and not appreciating the evidence on record properly in accordance with law. The findings recorded by the Tribunal in favour of the petitioner are wrongly set aside, therefore the impugned order passed by the Appellate Authority suffers from erroneous findings and also error in law as it has exceeded in its jurisdiction in reappreciating the contents of documents not correctly.

13. With regard to the levy demand notices issued, by the revenue authorities to the petitioner having found that they relate to the period subsequent to 1-3-1974, the Appellate Authority held that they would not have much evidentiary value and therefore it has wrongly held they do not support the claims of the petitioner. The reliance placed on the decision in *Laxmi Shedthi and Another v Udupi Taluk Land Tribunal and Others*, wherein it is held that the documents brought into existence subsequent to 1-4-1974 should be construed as evidence post litem motam, the Appellate Authority rightly placed reliance on Sections 44 and 45 of the Act and held that the tenant has to prove his tenancy on the appointed date, viz., 1-3-1974 or immediately prior to that. The subsequent decision in *Vilas case*, supra, has been relied upon wherein it is held

that documents subsequent to 1-3-1974 have no much evidentiary value.

14. In paragraph 16 of the order the Tribunal has referred to the theory put forth by the applicant-petitioner was a mere driver. Considering Exs. A. 1 and R. 1, the Tribunal came to the conclusion that there was relationship of landlord and tenant between the deceased second respondent and the petitioner. The tenancy of the petitioner was proved by the production of Ex. A. 3 the levy clearance certificate was issued by the Revenue Inspector to the petitioner prior to 1-3-1974. Admittedly, the petitioner does not own any lands of his own. If he were to be a mere driver as contended by the deceased second respondent, there was no occasion for him to pay levy of paddy to the Revenue Department. The Appellate Authority failed to consider this important aspect of the matter which is in favour of the petitioner, but the Land Tribunal considered this aspect of evidence and rightly came to the conclusion and held that the petitioner is the tenant of the lands in question and therefore it has recorded its finding holding that he is a tenant in respect of the lands in question. Therefore, the order passed by the Appellate Authority cannot be sustained, as the same is contrary to the positive and substantive evidence on record in favour of the petitioner. Therefore, the impugned order of the Appellate Authority is liable to be set aside.

15. In my considered view, the Land Tribunal has rightly assessed the evidence and properly interpreted the contents of the documents with reference to the real intentions of the parties to the documents and held that the lands are tenanted and the petitioner was the tenant thereof. It is not the case of deceased second respondent and respondent three before the Appellate Authority that the findings recorded by the Tribunal suffer from want of evidence or based on no evidence and therefore the findings recorded by the Tribunal are erroneous. The Tribunal gave much importance to the interpretation of the contents of the documents having regard to the circumstances of the case and the oral evidence placed on record and arrived at the right conclusions by it and recorded its findings in favour of the petitioner. Since the contents of the documents had not been disputed by the deceased second respondent and respondent three, the conclusion of the Appellate Authority that the author of the documents at Exhibit A. 3 has not been examined, is not correct. As long as the contents are not disputed, there is no necessity for the petitioner for examining the author of the said document. The Appellate Authority proceeded to adopt wrong approach to the facts of the case and evidence on record to reverse the correct findings of the Tribunal. Therefore the order of the Appellate Authority is perverse and hence the same is liable to be set aside.

16. The Appellate Authority has elaborately discussed the documents that came into existence after the appointed date in support of its conclusions. But, it has failed to take into consideration the fact that the petitioner became the tenant under deceased respondent 2 and the respondent three right from the year 1967. The Tribunal in paragraph 11 of its order has referred to the evidence of J.S. Jayappa as a witness on behalf of the landlord and he has admitted in his

cross-examination stating that paddy of the petitioner has been hulling in his mills. The Land Tribunal has also referred to the evidence of M.K. Poovaiah at paragraphs 12 and 13 and appreciated the evidence, it has recorded its valid and cogent reasons elaborately and recorded its reasons disbelieving the case of the landlord that the petitioner was a driver under the said witness and it has recorded its reasons that the petitioner was cultivating the lands as a tenant and he was supplying the paddy grown by him to the mills of J.S. Jayappa for hulling of paddy and further it has recorded its reasons holding that the petitioner admittedly has no other lands of his own for growing paddy. The Appellate Authority has not adverted to these findings recorded on basis of substantive evidence which are in favour of the petitioner at all. For the above said reasons this Court has to hold that the Appellate Authority proceeded to appreciate the evidence on one side only without considering the evidence in favour of petitioner and without considering the facts, circumstances, evidence and documents which are in his favour. The witness A.W. 1, who is not biased against the landlord and whose statement remained unchallenged, has stated in unequivocal terms about the cultivation of the lands as tenant and giving of paddy by the petitioner to the landlords. He also stated that earlier to the petitioner he was the tenant of the lands after he left, the petitioner became the tenant in respect of the lands in question. The Appellate Authority has not examined and considered the case of parties in this perspective at all, but this Court has already recorded its finding holding it has considered the one side case of the landlord, and without considering the evidence in favour of the petitioner and the findings recorded by the Tribunal by giving its valid and cogent reasons based on positive evidence on record. Therefore, this Court has to record a finding that the order of the Appellate Authority in setting aside the valid and legal findings of the Tribunal without assigning proper and valid reasons in support of its order and therefore the findings of the Appellate Authority are erroneous in law. It is thus clear that the order of the Tribunal is well considered order as it has assigned valid and cogent reasons based on evidence on record while that of the Appellate Authority is perverse and therefore, cannot be allowed to sustain in law, hence the same is liable to be set aside by this Court in exercise of its revisional power.

17. Since this Court has examined the case of the parties from all angles and came to the above conclusion, the various decisions relied upon by the learned Counsel for respondents 2(a) and (b) and the respondent three is not well-founded. The matter revolves round the facts and circumstances and interpretation of the contents of documents and assessment of evidence available on record and no decision is required for its consideration. However, Mr. Gangi Reddy, learned Counsel for the petitioner rightly placed reliance on the decisions in *Sara Veeraswami alias Sara Veerraju v Talluri Narayya (deceased) and Others*, wherein it is held that in the matter of appreciation of evidence by Appellate Court, the opinion of Trial Judge is entitled to be given great weightage. At paragraph 5 of the aforesaid judgment the gist of numerous

decisions stated by Viscount Simon in *Watt v Thomas*, has been extracted as under:

"But, if the evidence as a whole can reasonably be regarded as justifying the conclusion arrived at the trial, and especially if that conclusion has been arrived at on conflicting testimony by a Tribunal which saw and heard the witnesses, the Appellate Court will bear in mind that it has not enjoyed this opportunity and that the view of the Trial Judge as to where credibility lies is entitled to great weight. This is not to say that the Judge of first instance can be treated as infallible in determining which side is telling the truth or is refraining from exaggeration. Like other Tribunals, he may go wrong on a question of fact, but it is a cogent circumstance that a Judge of first instance, when estimating the value of verbal testimony, has the advantage (which is denied to Courts of Appeal) of having the witnesses before him and observing the manner in which their evidence is given".

In *Sarju Pershad Ramdeo Sahu v Jwaleshwari Pratap Narain Singh and Others*, the aforesaid ratio has been approved by the Apex Court. Similar is the view taken in *Radha Prasad Singh v Gajadhar Singh and Others* and *Madhusudan Das v Smt. Narayani Bai and Others*. The law laid down in the said decisions is applicable in all fours to the facts of this case as the Appellate Authority has exceeded its jurisdiction and power while reappreciating the evidence on record and wrongly reversed the findings of the Land Tribunal. In this view of the matter and for the reasons stated supra, the reliance placed on the various judgments by the learned Counsel for the respondents 2(a) and 2(b) and his submissions are not well-founded and therefore the same cannot be accepted.

18. For the foregoing reasons, revision petition is allowed. The order of the Appellate Authority is set aside and the order passed by the Land Tribunal is confirmed.