

(1997) 12 KAR CK 0020
In the Karnataka High Court
Case No : WP. No. 22543 of 1997

Dabadi Hire Bhimappa and Others

APPELLANT

Vs

The Land Tribunal and Others

RESPONDENT

Date of Decision : 18-12-1997

Acts Referred:

Citation : (1998) ILR (Kar) 641

Hon'ble Judges : M.B. Vishwanath, J

Bench : Single Bench

Advocate : Huleppa Heroor, HCGP for R-1 and 3 and Y. Lakshmikantha Reddy, for R-4, for the Respondent

Final Decision : Allowed

Judgement

M.B. Vishwanath, J.—Heard the Learned Counsel for the petitioners and the learned Government Pleader for R1 to R3 and the Learned Counsel for R4 to R17.

2. In this petition, the order passed by the Land Tribunal, Sirguppa, in No. KOM/BHUSU/24/74-75 on 15.4.94 holding that the petitioners had 30.09 acres of "D" class land in excess of the ceiling limit.

3. It is seen from the impugned order that it has been passed without hearing the petitioners. The order states that the petitioners were absent on the date of hearing.

4. It is contended by the Learned Counsel for the petitioners that the notices were not served on them. It is contended by the Learned Government Pleader and the Learned Counsel for the contesting respondents that in fact notices were served on the petitioners and they remained absent. The question of delay is not involved in this case.

5. Suffice it to say that the impugned order has been passed without hearing the petitioner. Lord Hewart has observed:

"It.....is of fundamental importance that justice should not only be done, but

should manifestly and undoubtedly be seen to be done." R.V. Sussex Justices (1924)1 K.B. 256

6. Since the petitioners have not been heard, the impugned order is quashed. The consequential order as per Annexure-D dated 30.6.95 is also quashed. The matter is remanded to the Land Tribunal with a direction to issue fresh notices to all the concerned parties including Respondents-4 to 17 and then proceed to dispose the matter according to law, if necessary by recording the evidence and also bearing in mind the order of remand passed by this Court in Writ Petition No. 11367/82.

7. So far as possession is concerned the parties are directed to maintain Status quo as on today.

Petition allowed and the matter remanded.