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**(1988) 03 KAR CK 0031**  
**In the Karnataka High Court**  
**Case No : C.R.P. No. 1137/1988**

Dhondiba Hanmanta Desai

APPELLANT

Vs

L.T., Belgaum and Others

RESPONDENT

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**Date of Decision :** 02-03-1988

**Acts Referred:**

Karnataka Land Reforms Act, 1961 — Section 45

**Citation :** (1988) 1 KarLJ 509

**Hon'ble Judges :** M. P. Chandrakantharaj Urs, J

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## **Judgement**

Chandrakantharaj Urs, J.-This is a tenant's revision petition under Sec. 121A of the Karnataka Land Reforms Act (hereinafter referred to as the Act). He is aggrieved by the findings recorded by the Land Tribunal, Belgaum, as well as the Appellate Authority constituted under the Act for Belgaum District that he was not a tenant entitled to registration of occupancy rights in respect of S. No. 676 of Yellur village, Belgaum Taluk. The Land Tribunal and the Appellate Authority reached that conclusion solely on the ground that the land in question was under the management of the Court of Wards and therefore attracted Sec. 108 of the Act. In other words, except Sec. 8 of the Act which provides for fixation of fair rent in respect of tenanted land no other provision of the Act applies to lands in the management of the Court of Words. Therefore, the tenant under the Court of Wards has no right to registered as an occupant under Sec. 45 of the Act because such land would not have vested in the State Government under Sec. 44 of the Act.

2. No compelling evidence is produced by the applicant-tenant to overcome the statutory bar except to state that he was a tenant even before the Court of Wards took over the management of the land and therefore he must be presumed to be a tenant even after the Court of Wards took over the management of the land in question. An old man of 90 and add years has been examined before the Tribunal to support that assertion. But as is seen from one of the exhibits, as far back as 1938, the rent for the land has been paid to the manager who was in charge of the land under the Court of Wards Act. Therefore,

it shows that the petitioner was a tenant on the relevant date only in respect of land held under the Court of Wards Act.

3. In that view of the matter, there is no error or illegality in the order under revision which calls for interference. The petition is misconceived and it is rejected.

Petition rejected.