
(2000) 07 KAR CK 0097
In the Karnataka High Court
Case No : Writ Petition No. 19371 of 1994

Dr. Ramachandra Pai and Others

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 05-07-2000

Acts Referred:

Citation : (2000) 3 KCCR 2337

Hon'ble Judges : M.F. Saldanha, J

Bench : Single Bench

Advocate : M.V. Sheshachala and M.V. Vedachala, for the Appellant; K. Nagaraja, Government Advocate for Respondents 1 and 2 and Krishna Bhat, for Respondent 4, for the Respondent

Final Decision : Dismissed

Judgement

M.F. Saldanha, J.—This Writ Petition filed under the provisions of the Karnataka Land Reforms Act has been pending for the last six years and has so far not been admitted. The order that is challenged was passed by the Tribunal on 18.7.1979 whereas the Writ Petition was filed on 7.7.1994. What is of some consequence is the fact that when the petition was already over five years old on 7.10.1999, the Petitioners' learned Advocate got the matter adjourned on the ground that one of the Petitioners is dead. Thereafter, the case was adjourned twice on the ground that steps are being taken to bring the legal representatives on record and today, the submission made is that the dead Petitioner is alive and that no such steps are necessary. I have overlooked this part of the record even though it is very unfortunate that such grounds are being pleaded for the sake of getting old proceedings adjourned, I would prefer to deal with the case on merits.

2. The main challenge that has been put forward on behalf of the Petitioners is that the three of them are joint owners and that the third Petitioner is alleged to have consented to the grant of occupancy rights whereas the statement in the petition is to the effect that this particular person had never made a statement before the Tribunal. The contesting Respondent has produced the entire order-

sheet of the Tribunal which very clearly shows that the third Petitioner had been regularly remaining present before the Tribunal and that his statement was recorded. I do not dispute the fact that the Tribunals have on occasions committed several errors and irregularities but the question is as to whether on this occasion the statement on oath made by the third Petitioner in this proceeding that he never made a statement before the Tribunal, is true or false. The order-sheet cannot be fabricated and it is clear that the third Petitioner was consistently appearing before the Tribunal and there is also a reference in the order-sheet to the effect that his statement had been recorded on 18.7.1979. In order to satisfy myself on the important question as to whether the statement in question is genuine or fabricated, I have looked at the statement and I find that there is an unusual sentence in that statement which is to the effect that the mother Smt. B. Madura Bai is a widow and the request is that the compensation should be paid to her in a lumpsum. Even assuming that some of the authorities at the relevant time were indulging in the wrong practice of recording false consents, it could never have been possible for the Tribunal to have had the special knowledge about these facts which have been recorded there. The statement also, bears the signature of Petitioner-3 and it is very clear that after having recorded the consent before the Tribunal, the Petitioner had made false statements in the present petition.

3. The other ground pleaded by the Petitioners' learned Advocate is that notice was not given to the Petitioners or that an opportunity was not given to them. I find from the order-sheet that notice has been served on all the Petitioners and that Petitioner-3 was representing the others. Petitioner-2 was present on two occasions. In my considered view, the Petitioners' learned Advocate is not right when he states that the Tribunal should have recorded the statements of every one of the joint owners if they do not remain present and more importantly, if they are represented by one member of the family there is sufficient compliance if the statement of that person is recorded.

4. The Respondents have pointed out that there is a delay of 15 years in filing of this petition. Petitioners' learned Advocate submits that the order was passed behind the back of the Petitioners and that they had no knowledge of the same and that it was only in the year 1994 when some persons came stating that the Respondents were selling the land that they came to know of the order. I find this statement to be also false because as indicated above, the Petitioners have remained present and participated in the proceeding and the order-sheet indicates that the short order passed by the Tribunal was on 18.7.1979 on which date, the third Petitioner was present at the hearing.

5. Another ground of challenge is that the Tribunal was in error in having proceeded on the basis of the alleged consent order without independently examining as to whether Respondents qualified for the grant of occupancy rights. The Respondents have contested this position and they have produced the copies of the revenue records which indicate that the applicants had been cultivating

since about the year 1968-69 and there are some other supportive documents such as loan receipt, building permission etc. The Tribunal in the order has stated that the records were verified and consequently, the allegation that the Tribunal has proceeded without examining the record is also totally unjustified.

6. The learned Government Advocate who appears on behalf of Respondents 1 and 2 has submitted that the Tribunal has followed the requisite procedure, that there is no error of any type either legal or factual in the impugned order and that consequently, no interference is called for. On an examination of the case, I find that these submissions are justified and they are liable to be upheld. Having regard to the aforesaid position, there is no case made out for interference with the order of the Tribunal. The Writ Petition accordingly stands dismissed. The interim order to stand vacated.

7. It is necessary for this Court to record that while it is certainly open to the Petitioners to project every grievance that the law entitles the Petitioner to do, that there is no licence in legal proceedings to make unending numbers of false statements. These objections are required to be affirmed through an affidavit confirming the correctness of the statements and averments which has been done. To my mind, the fact that parties indiscriminately make false statements in the pleadings particularly in civil proceedings is creating a very serious difficulty for the Courts insofar as invariably the Judiciary imposes a high degree of trust with regard to statements made either by Counsel or statements made on oath in the pleadings and if it is disclosed that almost everything stated in the petition is found to be false, it would seriously undermine the working of the system and it is therefore necessary that the Court must take action in situations of this type. However, I would like to afford the Petitioners the liberty of putting forward whatever explanation they so desire and consequently the Registrar-General is directed to issue a Show-Cause Notice to Petitioners 1 to 3 to show-cause as to why action according to law should not be taken against them for having made a false statements in a judicial proceeding. A copy of the order of this Court shall be forwarded to the Petitioners alongwith the Show-Cause Notice. The notice shall be returnable on 7th August 2000.

The Writ Petition accordingly stands dismissed. No order as to costs.