

(2011) 12 KAR CK 0301

In the Karnataka High Court

Case No : Writ Petition No. 429 of 2008 (LR)

D.S.A. Padmanabhan Alias D.S. Anatha Padmanabiah Alias
Padmanabhiah and Venkatesh Alias Venkateshaiah Ramaiah
and Lakshmi Devamma

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 01-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0301

Hon'ble Judges : Ajit J. Gunjal, J

Bench : Single Bench

Advocate : G.B. Shastry and Sri Ravishankar Shastry, for the Appellant;
Shashidhar S. Karamadi, HCGP, Sri B. Vijaya Shetty, for R-3 and R4 and Sri N.
Shankaranarayana Bhat, for R5, for the Respondent

Final Decision : Dismissed

Judgement

Ajit J. Gunjal

1. The petitioner has sought for the following reliefs;

(i) Strike down the Karnataka Land Reforms Act, 1974 amendments and miscellaneous Provision Act, 1974 i e.. Karnataka Act No. 1/1974 insofar as petitioners are concerned.

(ii) Set aside the order of the Land Tribunal Anekal dated 27.5.1977 in case No LRF/ATC/2405/75-76 produced at Annexure-H.

(iii) And any other relief that this Hon"ble Court deem fit in the circumstances of the writ petition.

2. Briefly stated the facts are as under:

The petitioner No. 1 claims to be the purchaser of the land measuring 2 acres of Sy. No. 83 of Anekal Taluk pursuant to a registered sale deed dated 20.12.1956.

The petitioner No. 2 purchases another extent of 2 acres of land in Sy. No. 83 on 20.12.1956. The respondent No. 3 files an application in Form No. 7 for grant of occupancy rights. The said application is filed on 21.5.1976. The Land Tribunal pursuant to the impugned order has granted occupancy rights on 29.5.1977. The said order is sought to be questioned before this court after a lapse of nearly 31 years.

3. Incidentally it is a more intelligently drafted writ petition inasmuch as nothing is stated and explained as to considerable delay in questioning the impugned order. The petitioner is questioning the constitutional validity of Act 1 of 1974. I am of the view that in the first instance the order passed by the Land Tribunal, which was passed in the year 1977, cannot be faulted inasmuch as there is a considerable delay in filing the writ petition. Even on merits the Tribunal has come to a conclusion that the respondents were cultivating the land as tenants.

4. It is also brought to my notice by the learned counsel appearing for the respondents that both the petitioners have received a compensation of Rs. 85,000/-. A copy of which is produced at Ex. R 3 along with the statement of objections. Thus, it is not open for the petitioners to question the order passed by the Land Tribunal.

5. Insofar as constitutional validity is concerned, I am of the view that the matter is no longer resintigra inasmuch as this Court has already upheld the validity of Act 1 of 1974. Having said so, I am of the view that the question of interference does not arise. Petition stands rejected.

6. Mr. Shashidhar S Karmadi, learned High Court Government Pleader appearing for respondents 1 & 2 is permitted to file memo of appearance within four weeks.