

(2014) 02 KAR CK 0237
In the Karnataka High Court
Case No : W.P. No. 498 of 2014 (SC/ST)

Govinda

APPELLANT

Vs

C.M. Hemanth and Others

RESPONDENT

Date of Decision : 12-02-2014

Acts Referred:

Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 — Section 5A

Citation : (2014) 2 AKR 171

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : Harish Ganapathy, Advocate for the Appellant; R.B. Sathyanarayana Singh, HCGP, Advocate for the Respondent

Final Decision : Dismissed

Judgement

B.S. Patil, J.—Learned Government Pleader is directed to take notice for respondents 2 & 3. Challenge in this writ petition is to the order dated 14.09.2009 passed by the Deputy Commissioner, Kodagu District, Kodagu - 3rd respondent herein, dismissing the appeal filed by the petitioner u/s 5A of the Karnataka Scheduled Caste and Scheduled Tribe (Prohibition of Transfer of Certain Lands) Act, 1978 (for short, "the Act"). The 3rd respondent has confirmed the order dated 16.12.1996 passed by the Assistant Commissioner, Madikeri Sub-Division, Madikeri - 2nd respondent herein, whereby he had rejected the application filed by the petitioner herein seeking restoration of the land bearing Sy. No. 1/34 measuring 2 acres situated at Seegehosur village of Somwarpet Taluk, Kodagu District.

2. Both the authorities below have held that the grantee did not belong to Scheduled Caste or Scheduled Tribe and that he belonged to Maratha community. Petitioner did not produce any material to establish that he belonged to Schedule Caste or Scheduled Tribe, as a result, the request made for restoration of land under the provisions of the Act has been rejected.

3. Be that as it may, the order of the 2nd respondent as already noticed above, is passed way back in the year 1996 and the appeal before the 3rd respondent was filed after 13 years. Even then, the 3rd respondent has examined the matter on merits and has recorded a finding that there was no material to show that the petitioner belonged to Scheduled Caste or Scheduled Tribe. This order passed on 14.09.2009 is now sought to be challenged before this Court after a lapse of five years. There is absolutely no explanation offered in the writ petition for condoning such inordinate delay. Therefore, the writ petition is liable to be dismissed only on the ground of delay and laches. Hence, this writ petition is dismissed solely on the ground of delay and laches. Learned Government Pleader is permitted to file memo of appearance within three weeks from today.