

**(1975) 12 KAR CK 0001**  
**In the Karnataka High Court**  
**Case No : Writ Petition No. 6463 of 1975**

K.G. Virupaxayya

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

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**Date of Decision :** 03-12-1975

**Acts Referred:**

Karnataka Land Reforms Act, 1961 — Section 112 B, 67

**Citation :** AIR 1976 Kar 122 : (1976) ILR (Kar) 650 : (1976) 1 KarLJ 141

**Hon'ble Judges :** E.S. Venkataramiah, J

**Bench :** Single Bench

**Advocate :** K.A. Swami, for the Appellant; M. Ram Krishna, Government Pleader, for the Respondent

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## Judgement

1. The petitioner in this writ petition has questioned the orders passed by the Land Tribunal, Shikaripur, on 24-10-1975, holding, that the lands bearing survey Nos. 200, 202, 203, 252, 211 and 1 of Issur village, Shikaripur Taluk, stand resumed to the Government, after rejecting the applications made by three persons who claimed that they should be registered as occupants of the lands in question. The Land Tribunal rejected the applications of the three persons referred to above on the ground that they had not established that they were the tenants on the relevant date and that the petitioner who owned lands in excess of the ceiling imposed by law had put forward them as his tenants with a view to avoid the taking over of the lands in excess of the ceiling limit. While doing so it held that the lands in question stood resumed to the State Government.

2. While the Tribunal was right in rejecting the application made by the three persons referred to above, it could not have ordered resumption of the lands in question.

3. u/s 67 of the Karnataka Land Reforms Act the Tahsildar is conferred with the jurisdiction to determine the extent of the holding and the area by which such extent exceeds the ceiling limit. The Land Tribunal cannot exercise that power since it is not one of the duties of the Tribunal enumerated u/s 112B of the said

Act.

4. The orders passed by the Land Tribunal which are impugned in this writ petition are, therefore, set aside to the extent the lands in question are directed to be resumed by the Government. In other respects they are affirmed.

5. The Tahsildar, Shikaripur, is directed to deal with the question arising out of the impugned orders u/s 67 of the Act. It is stated by Sri K. A. Swami, learned counsel for the petitioner, that pursuant to the impugned orders the Tahsildar has appointed the Revenue Inspector as the Receiver to harvest the crops standing on the lands in question. Until the proceedings initiated u/s 67 of the Act are finally disposed of the Tahsildar could not have passed such an order. The Tahsildar is, therefore, directed to allow the petitioner to continue to be in possession and enjoyment of the lands in question until the matter is finally disposed of under the Act.

6. The Writ Petition is accordingly allowed, to the extent indicated above.

7. Order accordingly.