

(1997) 01 KAR CK 0064

In the Karnataka High Court

Case No : Writ Petition No. 3051 of 1994

Mahadev Venkagouda

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 20-01-1997

Acts Referred:

Karnataka Land Reforms Act, 1961 — Section 48A
Karnataka Land Reforms Rules, 1974 — Rule 17

Citation : (1997) 3 KarLJ 206

Hon'ble Judges : A. J. Sadashiva, J

Judgement

1. The impugned order is liable to be quashed solely for the reason that it is a cyclostyled order. The blanks in the cyclostyle form appear to have been filled up by the Land Tribunal. No consideration of any statement, in the manner prescribed by the rules, is made nor is there any finding that the 3rd respondent is a tenant in respect of the land in question. Mere cultivation would not be sufficient to register him as an occupant under the provisions of the Act. From the order it is not possible to draw any inference whether there was any enquiry held in accordance with Rule 17 of the Rules.

2. It is no doubt true that there is a delay of 14 years in filing this petition. The delay is explained. It is stated that the impugned order was made without notice to the petitioner. No return is filed disputing the contention of the petitioner.

3. In the result, this petition is allowed. Rule made absolute. The order dated January 1, 1976, passed by the Land Tribunal in case No. KLR.SR.42/52/3154, Annexure-C is hereby quashed and the matter is remitted to the Land Tribunal for fresh disposal in accordance with law.