
(1990) 01 KAR CK 0028
In the Karnataka High Court
Case No : W.P. No. 483/1982

Mallinath Patil

APPELLANT

Vs

Land Tribunal, Chincholi and Others

RESPONDENT

Date of Decision : 15-01-1990

Acts Referred:

Karnataka Land Reforms Act, 1961 — Section 67

Citation : (1990) 1 KarLJ 175

Hon'ble Judges : H. G. Balakrishna, J

Judgement

Balakrishna, J.-The short point that the legal representative of the deceased Nurundappa Patil was not brought on record before the impugned order was passed on 31.8.1977 is sufficient for disposal of this case.

2. It is submitted on behalf of the petitioner, who is the legal representative of the deceased Nurundappa Patil, that he had no opportunity of hearing at all before the Land Tribunal, Chincholi. Though the Tribunal was duty bound to have the petitioner on record by ordering necessary steps, no action was taken to do so. The petitioner's father died on 22.11.1975, whereas the order in question was passed on 31.8.1977.

3. Justice and fair play require that necessary and proper parties should be brought on record and a reasonable opportunity of being heard is afforded to them before determining the question of imposition of ceiling limits, under the Karnataka Land Reforms Act. The rights of owner are precious, being linked with ownership of agricultural lands. To deny an opportunity of hearing amounts to denial of justice. It is a well-established legal principle that when civil consequences follow by an order likely to be passed, there is a residual duty cast on the authority to give an opportunity of hearing. It is not merely an opportunity of hearing, but a reasonable opportunity of hearing. In the instant case, non-existence of such an opportunity is staring in the face.

4. For the above reasons, the petitioner succeeds and the writ petition is allowed. The impugned order under Annexure "D" is quashed. The Rule is made absolute.

5. It is open to the Land Tribunal to dispose of the case afresh after holding a fresh enquiry in accordance with law after affording a reasonable opportunity of hearing to the petitioner.

Writ Petition allowed.