

(1980) 09 KAR CK 0005
In the Karnataka High Court
Case No : Writ Petition No. 8729 of 1980

Monappa

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 24-09-1980

Acts Referred:

Karnataka Village Offices Abolition Act, 1961 — Section 5 (3)

Citation : AIR 1981 Kar 172

Hon'ble Judges : N. Venkatachala, J

Bench : Single Bench

Advocate : J.V. Hulsoor, for the Appellant; S.G. Doddakalegowda, Govt. Pleader, for the Respondent

Judgement

1. In this writ petition, order of the Tahsildar Gulbarga Taluk (respondent 2) made on 28-4-1980 in case No. REV. KVOA. 79-80/123 (copy of which is produced as Annexure A), has been impugned.

2. By that order, the land measuring 8 acres 15 guntas in Survey No. 40 of Keribhoska, pulbaiga Taluk, which was a former service inam land, -has, been forfeited to the State, and the petitioner, who was in possession and enjoyment of the same, is directed to. be evicted from that land.

3. Mr. J. V. Hulsoor, learned"- Counsel for the petitioner, contended that from the order impugned in -the writ petition itself,, it is disclosed that the land purchased by the petitioner from Thippanna (respondent 3) was regranted to the latter under the provisions of the Karnataka Village Offices Abolition Act; 1961 (to be referred to as the Principal Act), by an order dated 12-2-1969 of the Assistant Commissioner in Case No. REV. KVOA. 249/68, on his file, and that hence, the petitioner was entitled to obtain regularisation of the sale in his favour on payment of 15 times the assessment payable u/s 5(3) of the Principal Act as is held by a Division Bench of this Court- in Laxman Gowda (W. P. No. 2613 of 1979* and other connected writ petitions). The contention -of Sri J. V. Hulsoor in my view should be upheld.

4. In view of the, aforesaid - Division Bench decision of this Court, even if a regranted of a land under the Principal Act has sold the regranted land without obtaining the prior permission from the State as required under sub-section (3) of Section 5 of the Principal Act, it will be open to the alienee to obtain regularisation of such sale on payment of 15 times the assessment to the State payable under that provision.

5. In the result, this writ petition is allow, ed, the rule issued therein is made absolute and the order impugned in the writ petition, is quashed. However, it is "made clear that the petitioner is entitled to obtain regularisation of the sale of the disputed land sold in his favour by Thippanna on payment of 15 times the assessment to the State and that respondent 2 shall be at liberty to direct the petitioner to make such payment within a reasonable time. If the petitioner fails to make such payment, it shall be open to respondent 2 to evict the, petitioner from the land. No costs.

6. Let a copy of this order be sent to respondent 2 forthwith.

7. The learned Government Advocate is permitted to We his memo of appearance on behalf of respondents I and 2 within a period of 6 weeks from this date.

8. Petition allowed