

(1980) 10 KAR CK 0021
In the Karnataka High Court
Case No : WP 4597/79

Mukthabai

APPELLANT

Vs

State of Karnataka and Another

RESPONDENT

Date of Decision : 06-10-1980

Acts Referred:

Karnataka Land Reforms Act, 1961 — Section 66

Citation : (1981) 1 KarLJ 148

Hon'ble Judges : R. G. Desai, J

Judgement

1. This writ petition is directed against the order dated 18-1-1977 passed by the Land Tribunal, Bhalki, in Case No. KRLM. BHK DCL. 590 75-76 on its file.

2. The petitioner filed a declaration under S. 66 of the Karnataka, Land Reforms Act, 1961 in respect of the lands held by her. The Tribunal decided that the petitioner was holding surplus land to the extent of 23 acres 3 guntas. Then the Tribunal issued a notice under S. 67(2) of the Act to the petitioner to surrender the said extent of land. On the date of hearing, the son and grand-son-in-law of the declarant appeared before the Tribunal. Their statements were not recorded. In the order, the Tribunal has stated that they agreed to surrender the following lands.

Survey Nos. Extent

A-G

54/1 5-21 (Full)

48 12-39 (Full)

58 5-00 (Part-Tor wards Keroor side).

Total 23-20

The Tribunal accepted the said statement and passed an order to the effect that the said lands are vested in the Government as surplus under the Act. Being

aggrieved by the said order, the landowner has preferred this writ petition.

3. The writ petition was heard finally by consent of both sides.

4. Mr. Kashinatharao Patil, learned counsel for the petitioner, urged that the Tribunal ought to have specified the boundaries of five acres in S. No. 58 at the time of passing the order. According to him, the petitioner's son told the Tribunal that the petitioner was willing to surrender 5 acres of the said land lying towards Kerur cart-track side.

5. The Tribunal ought to have specified the boundaries of the portion of the land which vested in the Government. Only 5 acres in S. No. 58 has been ordered to be surrendered. The Tribunal ought to have fixed the boundaries. Therefore, the order of the Tribunal in so far as it relates to Sy. No. 58 needs to be corrected.

6. In the result, the writ petition is allowed and the impugned order of the Tribunal in so far as it relates to S. No. 58 of Mural village is quashed and the proceedings are remitted to the Tribunal for fixing the boundaries of 5 acres in the said land after hearing the petitioner and disposing of the matter. No costs.