
(1997) 02 KAR CK 0046

In the Karnataka High Court

Case No : Writ Petition No. 4000 of 1994

Narayan Thimmanna Bhat and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 24-02-1997

Acts Referred:

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

Citation : (1997) 3 KarLJ 296

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

Judgement

1. The Land Tribunal has proceeded to decide the application of the 3rd respondent solely on the basis of the surprise local inspection conducted by the Tribunal on November 15, 1993. It is on record that the petitioners were not informed of such local inspection. It is also on record that no further hearing was held after the local inspection by the Tribunal. The mere observation regarding harvesting the crop is not sufficient to decide the question whether or not the applicant is a tenant in respect of certain lands. Mere sympathy would not be a ground to confer title on a person in respect of a land belonging to a third party. Whether or not the applicants are the tenants of the lands in question should be decided on the basis of the evidence produced by the parties. The observation of the Land Tribunal in relation to the entries in the revenue records and the necessity of producing the rental receipts is unwarranted. The impugned order is otherwise a non-speaking order.

2. In the result, this petition is allowed. Rule made absolute. The order dated December 20, 1993, passed by the Land Tribunal, Siddapur, in Case No. 6801 + 1727 + 6581 + VR 125 as per Annexure-A is hereby quashed and the matter is remitted to the Land Tribunal for fresh disposal in accordance with law.

3. In the circumstances of the case, there is no order as to costs.

4. Sri M. Siddagangaiah, learned High Court Government Pleader is permitted to file memo of appearance within four weeks.