

(1977) 11 KAR CK 0019
In the Karnataka High Court
Case No : WP. 4128 of 1976

Ningamma

APPELLANT

Vs

Land Tribunal, Maddur Taluk and Others

RESPONDENT

Date of Decision : 18-11-1977

Acts Referred:

Karnataka Land Reforms Act, 1961 — Section 48a

Citation : (1978) 1 KarLJ 18

Hon'ble Judges : Nesargi, J

Judgement

The petitioner has prayed that the order passed by the Land Tribunal, Maddur, in accordance with which endorsement dated 7-5-1976 has been issued by the Tahsildar Maddur Taluk, as per Exhibit B, be quashed.

The case of the petitioner is that on 24-12-1975 she had filed an application under S. 48-A of the Karnataka Land Reforms Act, 1961 (to be hereinafter referred to as the Act) praying that occupancy right in regard to land survey No. 271/2 of Kasaba Maddur village, be conferred on her, but instead of deciding her claim the Tribunal has issued an endorsement (Exhibit B) to the effect that by 18-7-1975 itself claim in regard to occupancy right over the same land had been decided in favour of Hutche Gowda respondent-2 and as such there was no scope to pass another order in her favour.

It is clear from the case of the petitioner herself that her application came to be filed five months after the claim of respondent-2 in regard to the very same land was settled by the order dated 18-7-1975 passed by the Tribunal, in Case No. LRF/495/1974-75.

The learned Counsel for the petitioner urged that the application filed by the petitioner on 24-12-1975 was within the extended time and, therefore, she had a right to ask the Tribunal to settle her claim.

I am unable to accept the reasoning put forward on behalf of the petitioner in view of the earlier part of S. 48-A(2) of the Act. That provides that on receipt of

the application, the Tribunal shall publish or cause to be published a public notice in the village in which the land is situated calling upon the landlord and all other persons having an interest in the land, to appear before it on the date specified in the notice. The land in question is survey No. 271/2 of Maddur. The petitioner is a resident of Maddur. Therefore, it is, clear that in the application filed by respondent-2 a public notice as per the above provision must have been issued. It is not even the contention of the petitioner in the writ petition that such public notice had not been issued. When that is so, the petitioner ought to have, in response to the said public notice, appeared before the Tribunal and put forth her claim. She has failed to do so. Merely because time for filing applications under S. 48A of the Act came to be extended, it cannot be said that claims already disposed of according to law, ought to be re-opened. Hence, the Tribunal is right in rejecting the application of the petitioner on the ground that the claim had already been settled in favour of respondent-2. The petitioner has no right to maintain another application when she herself failed to respond to the public notice, and did not evince interest in the land by appearing before the Tribunal.

In view of the foregoing reasons, I see no substance in the writ petition and dismiss it.

No order as to costs.