

(1990) 06 KAR CK 0001
In the Karnataka High Court
Case No : C.R.P. No. 2744 of 1990

Radhu Shedthi

APPELLANT

Vs

Gopalakrishna Kedlaya

RESPONDENT

Date of Decision : 13-06-1990

Acts Referred:

Karnataka Land Reforms Act, 1961 — Section 121 A, 2 (2), 38, 48 A

Citation : (1991) ILR (Kar) 1693 : (1990) 2 KarLJ 271

Hon'ble Judges : K. Jagannatha Shetty, J

Bench : Single Bench

Advocate : K.S. Vyasa Rao, for the Appellant;

Final Decision : Dismissed

Judgement

K. Jagannatha Shetty, J.—This Revision Petition u/s 121A of the Karnataka Land Reforms Act, 1961 ("Act" for short) is filed by the petitioner against the order of the Land Reforms Appellate Authority dated 10-8-1989 made in Case No.LRA 991 of 1988 in confirming the order of the Land Tribunal, Udupi on the ground that it suffers from illegality and procedural irregularity.

2. The petitioner has already been granted occupancy rights in respect of the lands bearing survey Nos.9 and 18/1 in LRY 76-78. He filed another application for grant of dwelling site u/s 38 of the Act. The Land Tribunal after assessing the evidence has ruled that he is not an agricultural laborer, in view of the fact that he has already been granted occupancy rights u/s 48A of the Act. The Land Tribunals, is of the view that agricultural tenant cannot be an agricultural laborer to claim dwelling site. The said order of the Land Tribunal has been confirmed by the Appellate Authority holding that the petitioner was not an agricultural laborer and he is not entitled for allotment of a dwelling site.

3. The learned Counsel for the petitioner has strenuously contended that the agricultural tenant is also an agricultural laborer by virtue of Section 2(2) of the Act. Section 2(2) of the Act reads as follows:

"Agricultural laborer" means a person whose principal means of livelihood is manual labour on land; (and includes an artisan whose principal means of livelihood is preparation of agricultural implements)."

This definition clause uses the words "Agricultural laborer" denoting a line may be drawn so as to exclude categories like agricultural tenant, obviously not intended to be included. In other words it is not and cannot be suggested that in its wide sweep word "agricultural laborer" is intended to include service however rendered in whatsoever capacity and whatsoever reason. The word agricultural laborer is defined to exclude the agricultural tenant, when it is ascertained from the context of the scheme of the Act and the object intended to be served thereby.

4. In *The Commissioner of Gift Tax, Madras Vs. N.S. Getty Chettiar, Hegde, J.*, (as he then was) observed as under:

"An interpretation clause is not meant to prevent the word receiving its ordinary, popular and natural sense whatever that would be properly applicable but to enable the word as used in the Act, when there is nothing in the context or the subject matter to the contrary to be applied to some things to which it would not ordinarily be applicable."

5. It may also be seen that Section 2(19) envisages that the landless person means a person who, holding no land whether as owner or tenant, earns his livelihood principally by manual labour on land and intends to take to the profession of agriculture.

6. A reading of these two provisions with Section 38 of the Act, abundantly make"s it clear that the person who is an agricultural tenant and who has been granted occupancy rights cannot claim to be an agricultural laborer as defined u/s 2(2) of the Act. Main thrust of that provision is that the agricultural laborer is one whose principal means of livelihood is out of manual labour. Both the authorities have come to the conclusion that the" petitioner was an agricultural tenant and who has been granted occupancy rights u/s 48A of the Act, and he is not an agricultural laborer within the meaning of Section 2(2) of the Act, and as such he is not entitled to claim a dwelling site u/s 38 of the Act.

7. The contention of the petitioner that the Appellate Authority has committed illegality in wrongly interpreting Section 2(2) is unsustainable in view of the clear provisions of the Land Reforms Act, which has laid down that it is only a person whose main principal income is out of manual labour on land is agricultural labour. The order of the Appellate Authority does not suffer either from illegality or any procedural irregularity.

8. Under the circumstances, I do not find any merit to admit this revision petition. Accordingly it is dismissed.