

(1977) 11 KAR CK 0022
In the Karnataka High Court
Case No : WP. 11528 of 1976

Ramakaradi Naik

APPELLANT

Vs

Adawi Manja Naik and Others

RESPONDENT

Date of Decision : 04-11-1977

Acts Referred:

Karnataka Land Reforms Act, 1961 — Section 48a

Citation : (1977) 2 KarLJ 465

Hon'ble Judges : Nesargi, J

Judgement

In this petition the orders dt.23-11-1976 passed by the Land Tribunal, Siddapur, in Nos.TNCD.SR.II/7647, TNC.INJ.SR.53 and TNC.D.SR.II/2388, 2429 and 7037 are sought to be quashed.

Sri K.I. Bhatta, the learned Advocate appearing on behalf respondent-1-Adawi Manja Naik-the contesting respondent-urged that rule should not be issued in view of the fact that in the application filed by respondent-1 under S. 48A of the Karnataka Land Reforms Act, 1961, the petitioner has appeared, taken part in the proceedings before the Tribunal and has given his statement and at that time he had not contested the claim of respondent-1 for registration of occupancy rights in respect of Survey No.17/1 of Haligere village, the only land in regard to which this writ petition is concerned.

The records of the Tribunal have been called for and they clearly show that the petitioner had appeared before the Tribunal and his statement was recorded on 30-6-1976. In the statement so recorded, the petitioner has adverted to only the land bearing Survey No.17/2.

Sri M.S. Gopal, the learned Advocate appearing on behalf of the petitioner argued that the petitioner has not at all stated anything about Sy No.17/1 in his statement recorded in the earlier enquiry and as such he was at liberty to file a fresh petition within the extended time and the Tribunal ought to have enquired into that petition and therefore the order rejecting his claim on the ground that respondent-1 had been already declared as an occupant of Survey No.17/1 is

bad in law.

The records of the Tribunal bear out that the petitioner did appear before the Tribunal. It appears that he appeared before the Tribunal in response to the public notice. Form No.7 filed in the said records includes Sy No.17/1 also. Under S. 48A(2) of the Karnataka Land Reforms Act, 1961, all persons claiming to be interested in the land in regard to which an application under S. 48A of the Act has been filed, are called upon to appear and for that purpose a public notice is issued. Therefore, if at all the petitioner had any contest as against the claim of respondent-1 even in regard to Sy No.17/1 he ought to have contested it in the application filed by respondent-1. He has failed to do so and hence I see no force in the contention of Sri Gopal and dismiss his petition. No costs.