

(1980) 09 KAR CK 0052

In the Karnataka High Court

Case No : Writ Petition No. 2689 of 1980

Sangappa Veerasangappa Tuppad

APPELLANT

Vs

The Tahsildar, Muddebihal and Others

RESPONDENT

Date of Decision : 23-09-1980

Acts Referred:

Karnataka Village Offices Abolition Act, 1961 — Section 5, 5 (3), 6

Citation : AIR 1981 Kar 215

Hon'ble Judges : N. Venkatachala, J

Bench : Single Bench

Advocate : A.B. Patil, for the Appellant; S.G. Doddakalegowda, for the Respondent

Judgement

1. In this writ petition, notice dated 15-11-1979 issued by the Tahsildar, Muddebihal Taluk (respondent 1) to the petitioner in case No. vatan. KVOA. SR. 4/79 (copy of which is produced as Annexure C) calling upon the petitioner to show cause why he should not be evicted from the land in Survey No. 224/ 1 of Tungadgi village of Muddebihal Taluk, has been impugned.

2. Sri A. S. Patil, learned counsel for the petitioner, submitted that the notice impugned in this Writ Petition is the one purported to have been issued by the Tahsildar under the provisions of the Karnataka Village Offices Abolition Act, 1961 (to be referred to as the. principal Act) as it stood amended by the Karnataka Village Offices Abolition (Amendment) Act, 1978 (to be referred to as the Amendment Act) and contended that no proceedings pursuant to the notice could be taken against the petitioner since the petitioner's alienor had obtained regrant of the land under the principal Act. He sought support for his contention from a Division Bench decision of this Court in Laxman Gowda (W. P. No. 2613 of 1979 and other connected writ petitions). In the said decision relied upon by Sri Patil, it is held that an alienee from a regranted of a service inam land under the principal Act, is entitled to obtain regularisation of such alienation on payment of 15 times the assessment of such land as required under sub-section (3) of S. 5

of the principal Act. Hence, it becomes necessary for the Tahsildar, in view of the Division Bench decision of this Court, to take up further proceedings to find out whether the alienor of the petitioner had been regranted the land concerned in the notice either u/s 5 or 6 of the principal Act. If he so finds, the only course open to him is to call upon the petitioner to pay to the State 15 times the assessment payable u/s 5(3) of the principal Act, and on such payment, to drop the proceedings initiated under the notice impugned in the writ petition. If it is shown by the petitioner that 15 times the assessment payable u/s 5(3) of the principal Act is already paid, then the Tahsildar has to drop the proceedings forthwith. However, if it is not shown by the petitioner that there was such a regrant, then it is open to the Tahsildar to proceed with the enquiry initiated under the notice impugned in this writ petition and decide the case in accordance with law.

3. Subject to the above, this writ petition is dismissed and the rule issued therein is discharged, However, with a view to enable the Revenue Authority to expeditiously dispose of the proceedings initiated by him under notice impugned in this petition in accordance with law, let a copy of this order be sent to the Tahsildar forthwith. No costs.

4. The learned Government Advocate is permitted to file his memo of appearance on behalf of respondents 1 and 2 within a period of 6 weeks from this date.

5. Petition dismissed.