

(1980) 09 KAR CK 0020

In the Karnataka High Court

Case No : Writ Petition No's. 14848 to 14850, 15040, 15772, 16910 to 16912 of 1979 and 2512 of 1980

S.C. Chinnappa and Others

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 05-09-1980

Acts Referred:

Karnataka Village Offices Abolition Act, 1961 — Section 5, 6

Citation : AIR 1981 Kar 96

Hon'ble Judges : N. Venkatachala, J

Bench : Single Bench

Advocate : G. Gangi Reddy, for the Appellant; S.C. Doddakalegowda, Government Advocate, for the Respondent

Judgement

1. In these writ petitions constitutional validity of the provisions of the Karnataka Village Offices Abolition Amendment Act, 1978 (to be referred to as the amendment Act) and the notices issued under the Amendment Act have been impugned.

2. Since the constitutional validity of the said amendment Act has been upheld by a Division Bench judgment of this Court in the case of Laxman Gowda, (W. P. No. 2613 of 1979 (Reported in (1981 1 KarLJ 1) and other connected writ petitions), these writ petitions cannot succeed.

3. However, Mr. Gangi Reddy, learned counsel for the petitioners contended that if the Tahsildar holds an enquiry pursuant to the notices impugned in these writ petitions, he must afford an opportunity to the petitioners to place before him the material to show that the lands concerned in the notices have been regranted to the holders or the authorized holders u/s 5 or 6, as the case may be Karnataka Village Office Abolition Act, 1961 (here in after referred to as the Act) or that an application made for regrant by the holders or the authorized holders u/s 5 or 6, as the case may be, of Offices Abolition Act, red to as the Act) or made for regrant by authorised holders the case may be, of the Act has been

pending disposal before the Authority concerned. If it is shown that such regrant is made, the Tahsildar should drop the proceeding initiated by the notices impugned in these writ petitions. If the application made u/s 5 or 6, as the case may be, of the Act is shown to be pending before the Authority concerned, the Tahsildar should await the decision on such application, before proceeding further on the basis of the notices impugned in these writ petitions.

4. The contentions urged by the learned counsel for the petitioners, in my view, are to be upheld, for, the procedure contended for by the learned counsel, has to be necessarily adopted by the Tahsildar before making final orders pursuant to the enquiry initiated under the notices impugned in these writ petitions in that such procedure would enable the Tahsildar to decide the case before him in the light of the said Division Bench judgment. But it is made clear that if the petitioners fail to show before the Tahsildar that their alienors had obtained any regrant of the lands concerned, either u/s 5 or 6, as the case may be of the Act, or an application made u/s 5 or 6 of the Act has been pending before the Authority concerned, it will be open to the Tahsildar to continue the enquiry initiated under the impugned notices and dispose of the cases in accordance with law and in the light of the said Division Bench judgment.

5. In the result, subject to the above observations, I dismiss these writ petitions, but without costs.

6. Let a copy of this order be sent to the Tahsildar forthwith with a view to enable him to expeditiously dispose of the cases.

7. Sri S. G. Doddakalegowda, learned High Court Government Advocate is permitted to file his memo of appearance on behalf of the respondents within 6 weeks from today.

8. Writ petitions dismissed