

(1986) 10 KAR CK 0012
In the Karnataka High Court
Case No : C.P. No. 230/85 in MFA No. 1052/85

Shivalingappa Parappa Shivalli

APPELLANT

Vs

K.V. Joshi

RESPONDENT

Date of Decision : 29-10-1986

Acts Referred:

Karnataka Land Reforms Act, 1961 — Section 108

Citation : (1986) 2 KarLJ 455

Hon'ble Judges : P. A. Kulkarni, J

Judgement

Kulkarni, J.-The present petitioner had filed an application for injunction requesting that the Receiver should be directed not to dispossess him. It was rejected by the trial Court. He approached this Court with M.F.A. No. 1052/1985 and it was also rejected.

2. It is undisputed that the present petitioner, had bid the property when the land in question was auctioned by the Receiver. This Court dismissed M.F.A. No. 1052/1985 saying that whenever a receiver is appointed to manage, Section 108 of the Karnataka Land Reforms Act, 1961 (hereinafter referred to as the Act) would come into play. Section 108(b) of the Act says that except for Section 8 and subject to the provisions of Section 110 nothing in the provisions of the Act shall apply to the lands taken under the management of Court of Wards provided that the tenant to whom the land was tenanted during the period of management shall be dispossessed and shall be delivered to the person lawfully entitled to such possession. It does not mean that if the land is leased by the Receiver to a person that person should be allowed to continue in possession by the Receiver till the termination of the proceedings. Admittedly, the present petitioner was bidding in auction every year held by the receiver. Therefore, his tenancy was continued from year to year. Therefore, I do not find anything in Section 108 of the Act which would help the argument of the learned Counsel, Proviso (b) of Section 108 would not permit his continuance till the termination of the proceedings in the suit. Therefore, I do not find any merit. Hence, the Civil Petition is dismissed.