

(2011) 12 KAR CK 0122
In the Karnataka High Court
Case No : Writ Petition No. 43786 of 2011 (LR)

Shri M Bhanuprakash

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 12-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0122

Hon'ble Judges : Ajit J. Gunjal, J

Bench : Single Bench

Advocate : Shashidhar S. Karamadi, HCGP for R1 and 2, for the Respondent

Final Decision : Dismissed

Judgement

Ajit J. Gunjal

1. The petitioner is the second purchaser of the land in question. Respondent 3 to 6 are the legal representatives of the original landlord one Hamimantha- (sic) Respondent 7 to 12 are the legal heirs of original applicant one Oodappa. Oodappa makes an application in Form No. 7 for grant of occupancy rights. Initially, the said application was granted which was the subject matter of writ petition before this Court in W.P. No. 38603/1993. The said writ petition. was allowed and the matter was remanded. On remand, once again the Land Tribunal grants occupancy rights in favour of the original applicant, which was the subject matter of another writ petition before this Court in W.P. No. 18238/2007. This Court allowed the writ petition and once again remitted the matter to the Land Tribunal for fresh disposal. On remand, the Tribunal has considered the documents made available and was of the view that the applicant or his legal heirs have failed to produce any material to substantiate their claim that the original applicant was cultivating the land as a (sic). Consequently, a finding is recorded that the original applicant was not a tenant as on 1.3.1974 and has rejected the same. The (sic) order is at Annexure "B". Aggrieved by the said order, the second purchaser is before this Court.

2. I have heard the learned Counsel appearing for the petitioner. Apparently, it is to be noticed that the petitioner has purchased the petition property during the pendency of the proceedings before this Court and the Land Tribunal. Indeed, the legal heirs of the applicant executed Sale Deed in layout of H.L. Suresh. He sold the petition property to the petitioner. Petitioner is the second purchaser, The petitioner cannot assail the order passed by the Tribunal rejecting the application of the legal heirs of the original tenant i.e., respondents 7 to 12. If the petitioner has any remedy, he is required to file an appropriate suit to recover the sale proceeds, which are paid to respondents 7 to 12.

3. I am of the view that the question of either reviewing the order passed by this Court at Annexure "A" in W.P. No. 18238/2007 or to set aside the order passed by the Tribunal at Annexure "B" does not arise. Petition stands rejected.

Mr. Shashidhar S. (sic) learned HCGP is permitted to file memo of appearance within four weeks from today.