

(1997) 01 KAR CK 0056
In the Karnataka High Court
Case No : Writ Petition No. 2962 of 1994

Smt. Gangawwa

APPELLANT

Vs

Kenchappa and Others

RESPONDENT

Date of Decision : 20-01-1997

Acts Referred:

Karnataka Land Reforms Act, 1961 — Section 48A

Citation : (1997) 3 KarLJ 205

Hon'ble Judges : A. J. Sadashiva, J

Judgement

1. The impugned order is made in favour of the first respondent in view of the majority opinion of the members of the Land Tribunal. The Chairman of the Land Tribunal has recorded a finding that the application of the first respondent deserved to be rejected as he did not produce any evidence in support of his case of tenancy. However, the remaining four members of the Land Tribunal differed from the finding recorded by the Chairman and opined that the first respondent is a tenant and therefore is entitled to be registered as an occupant. The impugned order contains only the reason of the Chairman to reject the application of first respondent. No reason is assigned by the other members to differ from the finding recorded by the Chairman. The impugned order is therefore not only arbitrary but also unreasonable. It is unsustainable in law.

2. Accordingly, this petition is allowed. Rule made absolute. The order dated October 30, 1993, passed by the Land Tribunal, Harihar, in Case No. LRM/PC/829/79-80 produced as Annexure-D is hereby quashed. The matter is remitted to the Land Tribunal for fresh disposal in accordance with law.

3. In the circumstances of the case, there is no order as to costs.