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**(2013) 12 KAR CK 0001**

**In the Karnataka High Court**

**Case No :** Writ Petition No. 22432 of 2013 (LR-SEC-48A)

Smt Padma and Others

APPELLANT

Vs

The State of Karnataka

RESPONDENT

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**Date of Decision :** 06-12-2013

**Acts Referred:**

**Citation :** (2013) 12 KAR CK 0001

**Hon'ble Judges :** B.V. Nagarathna, J

**Bench :** Single Bench

**Advocate :** C. Ravikumar, for the Appellant; M.S. Prathima, HCGP for R1 and 2, for the Respondent

**Final Decision :** Dismissed

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## **Judgement**

B.V. Nagarathna, J.—The order of the Land Tribunal, Channapatna Taluk, Channapatna dated 17.07.1986 is assailed in this Writ Petition. The petitioners claim to be the absolute joint owners of the land bearing Sy. No. 13 measuring 2 acres 4 guntas situated at Thattekere Village, Kasaba Hobli, Channapatna Taluk, Ramanagara District. It is stated that the land originally belonged to landlord by name Sri. V. Srinivasmurthy who is arrayed as respondent No. 4 herein. Respondent No. 3-Smt. Chaluvamma W/o. late Mahigaiah had prosecuted the lis pertaining to Form No. 7 filed by her late husband before the Land Tribunal against the landlord. By order dated 17.07.1986, the Land Tribunal granted the aforesaid extent of land to the 3rd respondent. That order is assailed by the petitioners on the ground that the aforesaid land was purchased by the petitioners under a registered sale dated 10.4.1979. It is under these circumstances, the petitioners contend that having purchased the land in question, they should have been substituted as landlords before the Land Tribunal and in the absence of their participation, the impugned order is illegal. It is under these circumstances, the order dated 17.07.1986 is assailed by contending that the petitioners are in possession of the aforesaid land having purchased the same on 10.04.1979.

2. I have heard the learned Counsel for petitioners and learned Government Pleader appearing for respondents 1 and 2 on advance notice and perused the material on record.

3. From the aforesaid narration, it becomes clear that the petitioners have purchased the land in question on 10.04.1979. After enforcement of the Land Reforms (Amendment) Act u/s 44 of the said Act, all lands held by or in the possession of the tenants, immediately prior to the date of commencement of the Amendment Act, have stood transferred to and vest with the State Government free from all encumbrances. The Section further states that all rights, title and interest vesting in the owners of such lands and other persons interested in such lands shall cease and be vested absolutely in the State Government free from all encumbrances. The only right that is carved out is the registration of tenants as occupants u/s 45 of the Act. In the instant case, late husband of the 3rd respondent Sri. Mahigaiah, had filed Form No. 7 along with two others in respect of other extents of land in Sy. No. 13. The Land Tribunal considered the case of the parties and passed the impugned order on 17.07.1986. That order is not assailed till the year 2013. The impugned order would not call for interference for two reasons. Firstly, petitioners have no right to purchase the aforesaid land subsequent to the enforcement of the Amendment Act. Secondly, having not acquired any right, title or interest in the aforesaid land, they had no right to participate in the proceedings before the Land Tribunal. That apart, the order of the Land Tribunal is dated 17.07.1986 and the Writ Petition is filed in the year 2013. The grant of occupancy rights in the year 1986 in favour of 3rd respondent is now settled on account of lapse of time. Hence, the filing of the Writ Petition at this point of time is not only hit by delay and laches but it would also imply acquiescence to the order dated 17.07.1986.

In that view of the matter, Writ Petition is rejected.