

(1997) 08 KAR CK 0032
In the Karnataka High Court
Case No : Writ Petition No. 19612 of 1992

Smt. Parvathamma

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 06-08-1997

Acts Referred:

Karnataka Land Reforms Act, 1961 — Section 67 (1), 67 (2)

Citation : (1997) ILR (Kar) 3400 : (1998) 1 KarLJ 752

Hon'ble Judges : M.B. Vishwanath, J

Bench : Single Bench

Advocate : Sri Shivakumar Kallur, for the Appellant; Sri S.V. Jagannath, Government Advocate, for the Respondent

Judgement

1. Heard the learned Counsel for the petitioner and the learned Government Advocate for the respondents.
2. As per the impugned order, the Land Tribunal has come to the conclusion that the petitioner was in surplus land to the extent of 61 acres 14 guntas and so it ordered that it should vest in Government and directed the Tahasildar to issue notice to the petitioner u/s 67(2) of the Karnataka Land Reforms Act.
3. The learned Counsel for the petitioner has taken me through the impugned order. It is a highly arbitrary order.
4. Before passing the order in question, the Chairman has not followed the procedure under Rules 24(1) and 17 of the K.L.R. Rules. The law in this regard has been laid down by this Court in Parwatewwa Vs. State of Karnataka, . The Tribunal is directed to read this decision and then proceed to dispose of the matter afresh. The learned Counsel for the petitioner submits that the lands sold after 24-1-1971 should be taken into consideration while passing the order u/s 67(1) and not the lands sold prior to 24-1-1971. He relies on a decision in Sharanappa Basappa Dindawar Vs. State of Karnataka, . Since the matter is going to be remanded, it is open to the declarant to press this authority into

service before the Land Tribunal.

5. Hence the impugned order as per Annexure-A is quashed. The consequential notice as per Annexure-B is also quashed. The matter is remanded to the Land Tribunal with a direction to issue notices to the petitioner and the Government and then proceed to dispose of the matter according to law, if necessary by holding enquiry.

The writ petition is allowed and the matter remanded as stated herein.