

(2013) 07 KAR CK 0184

In the Karnataka High Court

Case No : Writ Petition No. 18805 of 2009 (KVOA)

Smt. Ramakka

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 02-07-2013

Acts Referred:

Karnataka Village Officers Abolition Act, 1961 — Section 3(2)

Citation : (2013) 07 KAR CK 0184

Hon'ble Judges : Ram Mohan Reddy, J

Bench : Single Bench

Advocate : C. Ravikumar, for the Appellant; Gopl Bilal Mane, HCGP., for the Respondent

Judgement

Ram Mohan Reddy, J.—The appellant in M.A. No. 77/05 on the file of I Additional District Judge, Bangalore is before this Court aggrieved by the order dated 12.3.2009-Annexure-B rejecting I.A. to condone the delay of ten months in filing the appeal under sub-section (2) of Section 3 of the Karnataka Village Offices Abolition Act, 1961, calling in question the order dated 15.1.2005 in case No. HOA. 109/98-99 of the Tahsildar, Bangalore South Taluk directing re-grant in respect of 3 acres 24 guntas of land in Pillaganahalli village of Bangalore South Taluk in favour of respondent Nos. 2 to 5. Petitioner asserted that the Tahsildar reserved the case for orders and its pronouncement on 5.12.2003, but thereafter, without notice to the petitioner, pronounced the order on 15.1.2005. This, according to the petitioner, was the cause for not having the knowledge of the order pronounced by the Tahsildar on 15.1.2005 and therefore the delay of ten months in filing the appeal.

2. If this is the cause, the District Judge failed to apply his mind to the said cause and hence has occasioned grave injustice to the petitioner, by rejecting the application for condonation of delay. In the circumstances, what is material is not the date on which the petitioner came to know of the order but the fact that the Tahsildar had not informed the petitioner of the date of pronouncement of the

order that is 15.1.2005 after having reserved for orders on 5.12.2003. It is not known whether the very same Tahsildar passed the order or somebody else.

3. Viewed in this angle, the observation of the Lower Appellate Court is perverse and calls for interference. The order impugned is quashed. The petition is allowed. I.A. filed in M.A. No. 77/05 to condone the delay is allowed. The appeal is restored to file. The District Judge is directed to hear the parties concerned and pass orders on the merits of the appeal in accordance with law.

Petition ordered accordingly.