

(2013) 01 KAR CK 0033

In the Karnataka High Court

Case No : Writ Petition No's. 40044 of 2010 connected with 40045 of 2010 (LB-RES)

Sri Mallegowda

APPELLANT

Vs

The President, Zilla Panchayath, Mandya and Others

RESPONDENT

Date of Decision : 02-01-2013

Acts Referred:

Karnataka Panchayat Raj Act, 1993 — Section 237

Citation : (2013) 1 KCCR 281

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : K.V. Narasimhan, for the Appellant; B.J. Somayaji for Respondents-1 and 2 and Sri R.S. Prasanna Kumar for Respondent-3 and 4, for the Respondent

Judgement

A.S. Bopanna, J.—In both these petitions, the petitioners have assailed the order dated 23.10.2010 which are impugned at Annexure-D to the respective petitions. Having heard, the learned Counsel for the parties, though rival contentions have been urged with regard to right of the parties to the property which is the subject matter of these petitions, the question that would arise for consideration at the outset is as to whether the Zilla Panchayat (respondent No. 1) could have entertained an appeal u/s 237 as against the confirmation order passed by the Taluk Panchayat relating to the resolution of the Gram Panchayat.

2. In this regard, the matter is no more res integra in view of the decision of a learned Single Judge of this Court in the case of N.S. Nagaraja Rao Vs. Chickmagalur Zilla Panchayat, Chickmagalur and Others, 2000 (7) KLJ 448. By the said decision, this Court has held that as against the confirmation order passed by the Taluk Panchayat in a proceedings u/s 237 of the Karnataka Panchayat Raj Act, an appeal to the Zilla Panchayat would not lie. Therefore, in the instant facts, the impugned orders dated 23.10.2010 at Annexure-D to both these petitions are without jurisdiction. Accordingly, the said orders are quashed. However, the contesting respondent No. 4 herein would be entitled to assail the

resolution of the Gram Panchayat and confirmation of the same by the Taluk Panchayat in an appropriate proceedings. Such liberty is reserved to respondent No. 4 herein. Considering, the fact that the impugned order was passed in favour of respondent No. 4 and the same had been stayed by this Court, the status-quo relating to revenue entries which existed as on the date immediate prior to filing of these petitions shall be maintained by the Gram Panchayat for a period of six weeks so as to enable respondent No. 4 to avail their remedies in the meanwhile.

The petitions are disposed of accordingly. No costs.