

(1979) 03 KAR CK 0025
In the Karnataka High Court
Case No : WP. 2938 & 2939/79

Subba Shetti

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 13-03-1979

Acts Referred:

Constitution of India, 1950 — Article 14
Karnataka Land Reforms Act, 1961 — Section 48

Citation : (1979) 2 KarLJ 276

Hon'ble Judges : Swami, J

Judgement

1. Petitioners in both these petitions have challenged the validity of the order dated 7th March 1979 passed by the 1st respondent in partial modification of the Government Notification of 20th September 1978, reconstituting the Land Tribunal, Alur in Hassan District. By the order dated 20-9-1978. produced at Exhibit-A, the first respondent re-constituted the Land Tribunal in the Hassan district, and the petitioners became the members of the said re-constituted Land Tribunal, Alur. Thereafter, by the impugned order, dated 7-3-1979, the State Government has again re-constituted the Land Tribunal, Alur, and by this re-constitution, respondents 4 and 5 have been appointed as members of the Land Tribunal in place of the petitioners.

2. The contention of the petitioners is that the action of the State Government in this regard is arbitrary and discriminatory and as such, it is violative of Article 14 of the Constitution.

3. First of all, it has to be noticed that the petitioners have, no vested or fundamental right to hold the office as members of the Land Tribunal. There is no particular period of tenure fixed in respect of the said office. S. 48 of the Karnataka Land Reforms Act 1961, (Karnataka Act No. 10 of 1962), (hereinafter referred to as "the Act"), empowers the State Government to constitute the Tribunal for the purpose of the Act, consisting of members mentioned in clauses (1) and (2) of Sub-sec. (3) of S. 48 of the Act. Sub-section (3) of S. 48 of the

Act provides that the State, Government may from time to time likewise reconstitute the Tribunal. The explanation to the said sub-section further provides that the re-constitution shall include removal of a member from or nomination of a member to the Tribunal. Therefore, by the impugned order, the Tribunal came to be re-constituted by nominating respondents 4 and 5 and as a result of this, the petitioners automatically ceased to be the members of the Tribunal. The statute itself does not give any enforceable right to the members of the Tribunal. The members of the Tribunal hold the Office during the period the order of constitution or re-constitution of the Tribunal continues to be in force. That being so, the question of violation of any fundamental right does not arise, consequently, the enforcement of the said fundamental right also does not arise in the matter. Hence, these writ petitions fail and are dismissed.