

(2013) 12 KAR CK 0534

In the Karnataka High Court

Case No : Writ Petition No. 100051 of 2013 (GM-RES)

Vanamala

APPELLANT

Vs

The Deputy Commissioner, Bijapur and Others

RESPONDENT

Date of Decision : 17-12-2013

Acts Referred:

Citation : (2013) 12 KAR CK 0534

Hon'ble Judges : Ram Mohan Reddy, J

Bench : Single Bench

Advocate : G.G. Chagashetty, for the Appellant; Manvendra Reddy, Government Advocate for R1 - R5, for the Respondent

Judgement

Ram Mohan Reddy, J.—According to the petitioner, land bearing Sy. No. 4/2, measuring 14 acres 18 guntas, situated at Hanchali Village, Sindgi Taluk, Bijapur District was subject matter of an application in Form No. 7 u/s 48A of the Land Reforms Act, 1961 filed by one Vasudev Ramachandra Kulkarni, claiming occupancy rights, whence the Land Tribunal, by order dated 05.10.1981, though, rejected the application, nevertheless, directed the State to distribute the land to landless persons, as it was not cultivable land. It appears that the Assistant Commissioner, by order dated 28.06.1982, distributed the land in favour of respondents 6 to 10. The mother of the petitioner 13 said to have filed W.P. No. 34249/1982 calling in question the order of the Land Tribunal, which was transferred to the Land Reforms Appellate Authority, Bijapur in No. LRA (TR) 60/86. Consequent upon the abolition of the Appellate Authority, the appeal was converted into W.P. No. 25474/1993 in an order passed in CP No. 6864/1999. This Court, on 16.02.2005, allowed the writ petition, quashed the order of the Land Tribunal and remitted the proceeding for consideration afresh. On 09.07.2007, the Land Tribunal, on remand, held an enquiry, rejected Form No. 7 and cancelled the order for distribution of sites. The allottees of the sites filed W.P. No. 9885/2007, whence the learned Single Judge of this Court, dismissed the petition on 30.09.2008. The Tahsildar issued notices to respondents 6 to 10

on 29.09.2009 informing them of the cancellation of the allotment and to redeliver possession of the land to State which was followed by another letter dated 03.12.2011 addressed to the Revenue Inspector to hand over possession of the said land to the petitioner by taking police protection. It is stated that the Revenue Inspector issued notices dated 27.12.2011 to respondents 6 to 10 to hand over possession of the land to the petitioner on 10.01.2012.

2. In the meanwhile, respondents 6 to 10 are said to have filed W.A. No. 10225/2010 which was dismissed on 18.01.2012. There afterwards, petitioner made an application dated 30.04.2012 to the 1st respondent to hand over possession of the said property. The Deputy Commissioner addressed a letter dated 04.08.2012 to the 3rd respondent stating that the petitioner may take possession of the said property by taking police protection. Hence, this petition.

3. Having regard to the orders passed by this Court and the fact that the allotment of sites to respondents 6 to 10 are cancelled as confirmed by the dismissal of the writ petition and writ appeal, it is needless to state that the State Government having taken possession of the said land at the earliest point of time and put the allottees in possession, are bound to redeliver the possession to the petitioner. In that view of the matter, direction issued by the Deputy Commissioner to the 3rd respondent - Tahsildar to permit the petitioner to take possession by taking police protection, is nothing short of dereliction of duty and denying the petitioner the benefit of the lawful orders passed by this Court, and the conduct of the officer borders around contempt of Court. In that view of the matter, no useful purpose would be served by quashing the communication dated 04.08.2012 - Annexure-"K". Respondent No. 1 - Deputy Commissioner is directed to forthwith put the petitioner in possession of the property in question and report to the Additional Registrar General of this Court by 27.12.2013, failing which the further orders will have to be passed against the Deputy Commissioner, Bijapur.

Petition is ordered accordingly.