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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 7TH DAY OF JANUARY 1998

B E F O R E

THE HON'BLE MR. JUSTICE G.C. BHARUKA

WRIT PETITION NO. 24408 OF 95

BETWEEN:

Smt. Hanumavva
W/o Fakkirappa Talawar,
Age: 70 years,
Occ: Agrilculture,
R/o Jokanahalli,
Tal: Hirekerur.

...PETITIONER

(By Sri. Mohan Shantanagoudar, Advocate)

And:

1. The Secretary,
Land Tribunal, Hirekerur.

2. The State of Karnataka,
represented by Secretary to
the Revenue Department,
Vidhana Soudha,
Bangalore.

3. Shiddappa Bharmappa Yattinahalli,
age: 40 years, Occ: Agril & Advocate,
R/o Kanvisildigeri, Tal: Hirekerur.

...RESPONDENTS

(By Sri. S.V. Jaganath, Addl. Govt. Advocate for R-1 & 2)
(Respondent - 3 served)

This writ petition is filed under Articles 226 and 227
of the Constitution of India praying to quash the order dt.
16.2.1989 25.11.1986 passed by the Land tribunal and etc.,

This writ petition coming for hearing this day, the
Court made the following

O R D E R

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Heard Mr. Mohan Shantanagoudar, learned counsel for the petitioner and Mr. S.V. Jagannath, learned Addl. Govt. Advocate, for respondent 1 and 2.

2. The petitioner had questioned the validity of the order dt. 16.2.1989 passed by the Land Tribunal, Hirekerur, under Section 48A of the Karnataka Land Reforms Act, 1961 (in short the 'Act') before the appellate authority by filing an appeal as provided under Section 118 of the Act. The said appeal was registered as LRA 50/89 but pursuant to the abolition of the said authority under Section 6 of the Karnataka Land Reforms (Amendment) Act, 1990 and as provided under Section 17 of the Karnataka Land Reforms (Amendment) Act, 1990, on an application having been made before this Court being C.P. No. 3792/91 and the same has been allowed by the order dt. 19.12.1991 the civil petition has been treated as writ petition.

3. This writ petition is directed against the order of the Land Tribunal granting occupancy rights in respect of the land measuring 5 acres 17 guntas in Sy. No. 47/1, Jokanahalli village, Hirekerur Taluk, Dharwar District, in favour of the 3rd respondent, whose father was cultivating the land in question belonging to the petitioner (landlord) as a tenant since 1954 -55 to 1977-78. The impugned order has been passed by the Tribunal on the ground that father of respondent 3 was cultivating and ^{was} in possession of the land in question as on 1.3.1974. The said finding has been recorded by the Tribunal on the basis of oral and documentary evidence brought

on record. The learned counsel for the petitioner could not
^{point}
~~found~~ out any acceptable material on the basis of which the
findings of the Land Tribunal can be held as unreasonable or
impermissible.

4. In my view, no jurisdictional error has been committed
by the Tribunal regarding proceedings conducted by it. The
petitioner was admittedly granted reasonable opportunity of
presenting his case. There is no allegation of violation of
principles of natural justice. Therefore, no interference is
called for. The writ petition is accordingly dismissed. No
costs.

Sd/-
Judge



jsk/-