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Court : Karnataka

Decided On : Jun-24-2015

Judge : Ram Mohan Reddy

Appeal No. : Writ Petition No. 3846 of 2014 (KLR-RES)

Appellant : Savithramma and Others

Respondent : The Deputy Commissioner, Mysore District and Others

Judgement :

(Prayer: This writ petition is filed under Articles 226 and 227 of Constitution of India praying- to direct the R-1 to R-3 to prevent unauthorized construction on the land measuring 1 acre 25 guntas in Sy.No.134 of Devanoor Village which is described in the schedule to the writ petition till the conclusion of the proceedings before the Land Tribunal, Mysore Taluk, Mysore pursuant to the remand order dated 19.3.2013 passed by this Hon'ble Court in W.P.No.31109/2011 vide Ann-A and etc.,)

1. Petitioners claim title to 1 acre 24 guntas of land in Sy.No.134 of Devanur villlage, although O.S. 418/1996 instituted by the petitioners, for declaration of title to the said property is dismissed on 8.4.2014 and that Judgment and decree is said to be subject matter of R.A. 434/2014 on the file of III Addl. District Judge,

Mysore.

2. The fact that 1 acre 4 guntas out of 1 acre 24 guntas in Sy.No.134 subject matter of proceeding under Section 48-A of the Karnataka Land Reforms Act, 1961 in KLRM No.4103/4650/76-77 is pending on the file of the Land Tribunal, Mysore and in which respondents 4 to 7 have claimed tenancy lights is not in dispute. The balance of 20 guntas of land, it is alleged, by the respondents 4 to 7, to be under their ownership.

3. It is the allegation of the petitioners that respondents 5 and 7 have started alienating portions of lands out of 20 guntas, as revenue sites under unregistered sale deeds impelling petitioners to file a complaint before the authorities to take action over such unauthorized alienation and constructions, and inaction has resulted in this petition. It is the further allegation of the petitioners that since the Land Tribunal is not constituted has lead to the present situation.

4. The question as to whether petitioners have a right, title or interest in the immovable property in question so far as it relates to 1 acre 4 guntas of land, is a matter at large before the Land Tribunal and in respect of 1 acre 24 guntas and in RA 434/2014, hence the submission of Sri.Krishnamurthy Hasyagar, learned counsel for respondents 5 and 7 that petition is net maintainable is without merit.

5. Sri.Krishnamurthy Hasyagar, learned counsel for respondents 5 and 7 submits that he has no instructions over whether unregistered sale deeds are executed by his clients in respect of 20 guntas of land owned by them. If that is so, it is for the authorities to take action in accordance with law over such illegalities in the light of Sections 95 and 96 of the Karnataka Land Revenue Act, 1964.

6, Learned Govt. Advocate submits that the Land Tribunal would be constituted at the earliest and seeks three months time. *f*

7. It is a sorry state of affairs of the present dispensation in exhibiting inertia in not constituting Land Tribunals. Litigants are fighting legal disputes not only before the Land Tribunal but virtual wars outside the Tribunal, merely because of the failure to constitute Land Tribunals The present petition is a star example of real situation

in real time in the State. To constitute a Tribunal if the Government mulls over the matter for years arid makes statements in Court that three months time is required is a pitiable reflection of good governance.

8. In the facts and circumstances noticed supra, it is imminent that this court must rush with extreme speed and issue directions to the State government to constitute the Land Tribunal, Mysore forthwith, in any event by 15.7.2015, with a view to mitigate the difficulties of the litigants before the Tribunal. *f*

9. With the above observations, this petition is ordered accordingly. Till such time, it is directed, that the land measuring 1 acre 24 guntas in Sy.No.134 be maintained as an agricultural land and not to be put to use for non-agricultural activity and if it is found that such activity is undertaken by any person, 1st respondent-Deputy Commissioner is directed to take action in accordance with law, as noticed supra, forthwith.

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