

**irappa Vs. State of Karnataka and Others**

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**SooperKanoon Citation :** [sooperkanoon.com/372804](http://sooperkanoon.com/372804)

**Court :** Karnataka

**Decided On :** Aug-07-1998

**Reported in :** 1999(1)KarLJ432

**Judge :** V. Gopala Gowda, J.

**Acts :** [Karnataka Land Reforms Act, 1961](#) - Sections 48-A and 107(1)

**Appeal No. :** Writ Petition No. 13385 of 1994

**Appellant :** irappa

**Respondent :** State of Karnataka and Others

**Advocate for Def. :** Sri Huleppa Herur, High Court Govt. Pleader

**Advocate for Pet/Ap. :** Sri A.K. Angadi, Adv.

**Judgement :**

ORDER

1. In this writ petition the petitioner has challenged the impugned orders at Annexure-E dated 23-6-1982 passed by the Land Tribunal rejecting the claim of the petitioner for grant of occupancy rights in an extent of 3 acres 12 guntas in Sy. No. 25 of K. Janipeth Village, on various grounds.

2. I have perused the impugned order and prima facie satisfied that the same is unsustainable in law. The Tribunal rejected the application of the petitioner on the

ground that the land belongs to Government and as per Section 107 of [Karnataka Land Reforms Act, 1961](#) the provisions of the said Act are not applicable to the Government land. In the impugned order itself it is observed that the name of the Tahsildar is shown as Wahiwatdar. The Wahiwatkedar is in respect of Sri Panchalinga Temple and the land in question belongs to the said temple. The Tribunal has wrongly construed that since the name of the Tahsildar is entered in the R.T.G. the land belongs to Government. Annexure-C produced along with the writ petition is the pahani extract. In that in the kabjeddar or possessors column Sri Panchalinga Deity's Wahiwatdar is shown as Tahsildar and the name of the petitioner is shown in Column No. 11 relating to other rights and encumbrances as protected tenant from the years 1966 to 1976-77. Annexure-D is the order dated 30-9-1965 passed by the Assistant Commissioner, Bailahongal Sub-Division, constituting Panch Committee for the aforesaid temple. In view of these documents and the entries in the revenue records, the rejection of petitioner's claim for occupancy right in respect of the land in question on the ground that the land belongs to Government and that the provisions of the Act are not applicable to it, is wholly misconceived and contrary to law and the documentary evidence. The reason assigned is wholly erroneous and hence the impugned order is liable to be rejected.

3. Accordingly, the writ petition is allowed and the impugned order of the Land Tribunal at Annexure-E is quashed. The matter is remitted back to the Land Tribunal for fresh disposal in accordance with law after affording opportunity to all the concerned parties, within a period of six months from the date of receipt of a copy of this order. All the contentions of the parties are kept open.