

Thimmaiah and anr. Vs. the Special Deputy Commissioner, and ors.

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Court : Karnataka

Decided On : Dec-10-2001

Judge : B.Padharaj, J.

Acts : Urban Land (Ceiling and Regulation) Repeal Act, 1999 - Sections 11, 12, 13, 14, 3(2), 4; Constitution Of India - Articles 226, 227

Appeal No. : WRIT PETITION Nos..2091, 2092 Of 2000(LAQ-VLC)

Appellant : Thimmaiah and anr.

Respondent : The Special Deputy Commissioner, and ors.

Advocate for Def. : B. H. Satish, Adv.

Advocate for Pet/Ap. : Mahantesh S. Hosmath, Adv.

Judgement :

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the impugned order by the Deputy Commissioner, Urban Land Ceiling Act and competent Authority, Mysore District, Mysore, 16.4.1984 vide Annexure-F and the Notification dt 31.1.1985 by the Special Deputy Commissioner, Urban Land. Ceiling Act and Competent Authority, Mysore vides Annexure-S. This writ Petition coming on for hearing this day, the court made the following:-

ORDER

1. None appears for the petitioners. When the matter has reached for hearing, there is absolutely no representation on the side of the petitioners. Learned Government Pleader for the respondents who is present in the court has submitted that in view of Sec. 4 of the Repeal Act, 1999, all proceedings relating to any order made or proposed to be made under the Principal Act, stands abated.

2. I find that there is considerable force in the submission made by the learned Government Pleader. The Urban Land Ceiling and Regulation Act, 1976 was repealed by Central Act 15/1999. The State adopted the Urban Land (Ceiling and Regulation) Repeal Act, 1999 with effect, from 8.7.1999. Sec.4 of the Repeal Act, 1999, states that all proceedings relating to any order made or proposed to be made under the Principal Act. Pending immediately before the commencement of the Act before the Court, Tribunal or other authority shall abate, except these proceedings under Secs. 11 to 14 of the Principal Act, in so far as such proceedings are relatable to the land, the possession of which has been taken over by the State Government or any persons duly authorized by the state Government in this behalf or by the competent authority. Accordingly, in view of Sec. 4, all proceedings stand abated under the repeal Act except those proceedings mentioned therein. The writ petitions are disposed of accordingly. If the petitioners land is protected under sec.3 (2) of the Repeal Act, 1999, the petitioner is at liberty to take such steps in accordance with law.

3. Learned Government Pleader is permitted to file memo of appearance within four weeks from today.

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