

BEFORE

WRIT PETITION NO. 8694 OF 2008 (LR)

1. SRI NANJUNDAIAH  
S/O LATE CHIKKABASAPPA  
AGED ABOUT 40 YEARS
2. SMT. GOWRAMMA  
W/O LATE CHIKKABASAPPA  
AGED ABOUT 60 YERS
3. SRI PUTTASWAMMAIAH  
S/O LATE CHIKKABASAPPA  
AGED ABOUT 45 YEARS
4. SRI BASAVRAJU  
S/O LATE CHIKKABASAPPA  
AGED ABOUT 36 YEARS

ALL ARE RESIDING AT  
LINGADEERAGOLLAHALLI  
KUNDANA HOBLI  
DEVANAHALLI TALUK  
BANGALORE RURAL DISTRICT  
BANGALORE CITY

## ... PETITIONERS

(BY SRI PRAKASH T. HEBBAR, ADV.,)

AND

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
REVENUE SECRETARY

⑦ Corrected vade  
chamber order dt. 30.8.13

PS to Hoorbe LNC5

2. THE DEPUTY COMMISSIONER  
BANGALORE RURAL DISTRICT  
BANGALORE

4. THE TAHSILDAR  
REPRESENTED BY ITS CHAIRMAN  
DEVANAHALLI TALUK  
BANGALORE RURAL DISTRICT

(BY SMT. K. SAROJINI MUTHANNA, AGA)

THIS PETITION COMING ON FOR HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

Petitioner Nos. 1, 3 and 4 are the children of late Chikkabasappa and petitioner No.2 is the wife of late Chikkabasappa. They claim that their father/husband respectively was the archak of respondent No.3 - Lingadevara Mutt in Devanahalli taluk. After abolition


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of the office under the Inam Abolition Act 1955, they continued to be in occupation of several extent of land, for which they made an application for confirmation of occupancy rights. Earlier, the Mysore Revenue Appellate Tribunal had conferred occupancy rights in favour of the petitioners. Being aggrieved by the same the temple preferred Writ Petition before this Court, challenging the said order. The same came to be allowed and matter was remanded to the Deputy Commissioner for fresh disposal. Since the Deputy Commissioner was the competent authority under the Act. In view of the same the Deputy Commissioner by order dt. 2.8.2003 in LRF.INM 49/98-99 as per Annexure - K has dismissed the claim of the petitioner. Hence they have preferred this Writ Petition.

2. The learned counsel for the petitioners submits that the Deputy Commissioner has not provided fullest opportunity to the petitioners. Secondly, this Hon'ble Court in the earlier Writ Petition directed the Deputy Commissioner to comply the


provisions of law, specially Rule 17 of the Karnataka Land Reforms Rules, 1974 and also Sec.30 of the Mysore (Religious and Charitable) Inam Abolition Act 1955 and pass appropriate orders. But, the said provisions have not been complied by the Deputy Commissioner. The learned counsel also submits that though, there was a small lapse on the part of the petitioners in placing materials and also adducing evidence on their behalf, but that should not deny the benefit itself provided under the Land Reforms Rules and also Mysore Inam (Religious and Charitable) Abolition Act 1955. Hence, it is submitted to allow this Writ Petition and if opportunity is provided, again the petitioners will produce proper materials before the Deputy Commissioner to his satisfaction.

3. The learned counsel for the Government submitted that the Deputy Commissioner has passed the order fully in compliance with the provisions of law. No infirmity can be found to interfere by this Hon'ble Court. Hence, it is submitted to dismiss this petition.



4. I have heard the arguments made by both the parties.

5. It is found from the submissions made by the learned counsel for the petitioners that after the Writ Petition was disposed and matter was remanded to the Deputy Commissioner, the Deputy Commissioner could have provided fullest opportunity to the petitioners under Sec.30 of the Mysore (Religious and Charitable) Inam Abolition Act 1955. He could have made an enquiry on par with the provisions of the Karnataka Land Reforms Act 1961 and spot inspection could have been conducted by appointing such officers with a direction to hold a fresh or further enquiry. Even, the parties have not made a request for evidence and examining themselves. The Deputy Commissioner, who is the competent authority should have insisted the parties about the provisions which are available for their benefit. In three pages order, about more than 1 ½ page the Deputy Commissioner has devoted only to the



survey numbers and cases which were remanded by the Court. Pursuant to the notice parties appeared. They were asked to file written argument, instead of asking them to place materials and also adduce evidence. On 7.5.1999 a direction was issued directing the parties to file written argument, though the same is not required under the provisions of law. The petitioners have filed their written argument along with available records. On production of the records, the Deputy Commissioner should have gone through the records or under Sec.30 of the Mysore (Religious and Charitable ) Inam Abolition Act, the Revenue Officer could have been directed to place all the revenue materials. In the light of the above, lapses found in the impugned order, the same is required to be interfered with.


6. The Land Reforms Act is a social welfare legislation, which is enacted by the legislature in compliance with social justice provisions under the Constitution of India. When the authorities are assigned to render justice under the provisions of law,

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the authorities should take all possible steps to deliver justice to the parties. The parties, who approach the Court under the provisions of Land Reforms Act, usually they are illiterate, ignorant and agriculturists. They would not be in a position to make available the records which are required under the provisions of law. Under these circumstances, it is the fundamental duty on the part of the revenue officials and also the Deputy Commissioner to give fullest opportunity in accordance with law, even though, there is no demand from the parties. Hence, I find that in the interest of justice and equity and also in order to render justice to the parties and to achieve the object of Land Reforms Act and Rules, I pass the following order :

ORDER

The impugned order at Annexure - 'K' in LRF.INM NO.49/98-99 dt. 2.8.2003 is hereby quashed. The file in LRF.INM NO.49/98-99 dt. 2.8.2003 is restored to file. The matter is remanded to the Deputy Commissioner to pass fresh order.



It is further directed that the Deputy Commissioner shall provide fullest opportunity and also comply Rule 17 of the Land Reforms Rules and Sec.30 of the Mysore (Religious and Charitable) Inam Abolition Act 1955 and pass appropriate order at the earliest, but not beyond six months from the date of receipt of copy of this order. The parties are directed to appear before the Deputy Commissioner without awaiting for any notice from the office on 30<sup>th</sup> November 2009 and take further instructions in the matter.

Writ petition is allowed accordingly.

Sd/-  
JUDGE

BNS