

Karnataka High Court

Maruti Appayya Dolekar Since ... vs The Land Tribunal Belgaum on 11 March, 2009

Author: N.K.Patil And Nagaraj

W365 ' .26 . 99

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V (By Rfivozzlay, Adv)

.1.%;\$. \$;;

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. m fy s;i~i';R.I«:.r-zatti, HOG? for :21 and R3,

.81-'i.i_3anumantha Raddy fiahtzkar,
Adv for R3-»1a 8: lb, R4 -- 6,

" -- Sri.C.-I.Jadhav, Adv for R7,

8ri.N.P.Vivek Mehta, Adv for R8 and R9,
R10 sd)

v\$='a5f326, W

This appeal is filed 11,13 4 of the Karnataka "ii;:fui-micr,

prayizzg to set aside the order datedw 'i;EF\$3.{}}'?f;»fE.999

w'.I>. \$\i¢:..»933/ 1994.

This apgoeal Ceméslg 0:1 ibr hefitfinggg' , ,

delivered the following judgment: 2

1. This writ petition filed by the respondent on 29.07.1999 passed in the learned Single

Judge of this Court:

2. The writ petition filed by the respondent on 29.07.1999 passed in the learned Single

Judge of this Court.

The writ petition filed by the respondent on 29.07.1999 passed in the learned Single

Judge of this Court.

of the Karnataka Land Reforms Act,

The writ petition filed by the respondent on 29.07.1999 passed in the learned Single

Judge of this Court.

The writ petition filed by the respondent on 29.07.1999 passed in the learned Single

Judge of this Court.

The writ petition filed by the respondent on 29.07.1999 passed in the learned Single

Judge of this Court.

The writ petition filed by the respondent on 29.07.1999 passed in the learned Single

Judge of this Court.

3. The said writ petition had come up for consideration of the learned Single

Judge of this Court.

The writ petition filed by the respondent on 29.07.1999 passed in the learned Single

Judge of this Court.

The writ petition filed by the respondent on 29.07.1999 passed in the learned Single

Judge of this Court.

The writ petition filed by the respondent on 29.07.1999 passed in the learned Single

Judge of this Court.

Sy.!:f:?...i52/38 is Equivalent to Sy'.N0.652/4 situate: at

A "'Mraj.aga(:;ii viilage, Taluk Belgaum measuring 1 acxts 1:3 guntas.

'\$'I:i¥:}u.na3 has granted the occupancy rights in I'€Spf3C'{ cf

'».._44\$3y,No.6ES2/4 in .fav<:mr gf respondents 3 i (3) and I (1:3) to R-6 by

its order dated. 2i2.12.397□ It is the C356 of the appellants that waée 2:3. 99 the Land; Tribunal has granted the oCC11§)8I1C)? Sy.1'~!a-.552 / 3B in favour of appellants Q_:n:ier;£;§ii.é(i.:v2\$V;o§; 19Sff: ' . The specific ground urged by the }ea 2.7nec§ cr.;uii:iac1'~ the appellants is that 3 acres 'g;1nta s-v.OVf 'r3"1£:[1V:□i€\$'v«\$.itL3:«i1f.e<:1 at Majagaan village is one and tbs: sa\$'::, 1a:-2,§i £«1.S fi'3ft(::1"1f'E:C1□8.f the time of gmnting occupancy xigfh-'£._:§--i11 i?._?zv(;gu f "c3~:E_" 'i'i'féap\$e1Iant:s and also in favour of mspndents .3 L ansi A1. i,(b) t->'

6. }""'.his ma\$.t£:f 'f;3r"\$;<>§t;sigieratio:1 before this comm: gm g:ou:i*{v. zé;i1tfci*----vE1□a\$zing the team,e<;i cotmseI appeariIlg:7__for--.tht: V□iti□\$ "this Land Tribunal ta conduct an enquizy «wi'_ "th~ identity of the prop□ty with mfersnce□ to,mt':etS' bdunds and send its rcpoft to the court

13. 10.2003.

V 7. " .B5t:* that if may, due to change in circumstances; as the Lagj□T:*ib11iia,i was not fi1111CtiGI1.i11g, it could not comply with the V '{l:¥;;;l:"t3'€3AAf;!b;{3.. 'is'..§i3€3£f by this Court as Iefened aheve. We have heard ieaz□d 001313.331 appearing far i:\$.:1& :.»2pp€}1a11ts .a}{1d the iaalzzezi £}c:svs.1:'nme11t Pleads: appearing ibr the V' respsandcms. We had (irérectaci tiiw: learned Gov□mznent Header to W&*5§26. 99 verify as ta whether {Em Land Tnbzzrzai at Belga11m_--i.§3 as on date; S1*i.R,K.H.af.ti§ karneci I'€Sp(3I2£d€I1t.S I. and 2 on instr:1c:t.io1.1'.~:; 3_;;E.:»,ri1itta{i"~ :fheT1._E{" " resondt:3}t«-L311d 'I"nZY3u13,a1 is □112'aC:tiz_;<.:i131ga,-,. If f.11a{v:'i1s9.j:s~.:2,, Vys-éféE;a11i.VL' exprsssing any Gpinion on the ma:'.i%;\$'V« €18 Casasaz, it woulé su□ct: if to it to meet the ends (:fj123't:t;Ce in so fai' a\$AAVit_v:;\$£Va.';tE:_\$V\$ '>;i?5;e:1:itificati(>11 of the iand arm?! 1;y...<;};e Laitzd Tiibunal in favour cf the 3 1 (a) and 2 {b} to R43 ciated ;2:::..%'iT2';1..€:~;5 é§--i§;& }9§:\$' 1 'I%:s;3&c*£i"ve1'3:.

9. in the 1i::g1f1t-of €';r1::""\$l{c:t\$"";t:1□{3\ CiI't'3ElIII1St3:}£36S of the CEQSEZ, as stats□ a¥i'}\$}'Vfi5. ?h€ V1x?:a?itV_Vé□3pe%\$1 fiitsd E23; {he appealazzis is aliewed in Z□aff; ;3"i:~.¢:a E"";93::;ci%.ii._.§assed by the Eaazmzd Singiét Jucigs daied 2g\$%;;v%.;_«m ;;ggsm;; W,P,N:t}.9'83j 1994 is hereby sat aside, The ' "' 1:1attsrAsisanda' 11§§31Aitted 'back to the Land 'FI'iE:~1ma}_ , Fs□gaizm, to «4.j' jfv;g;;;_9;;4;l1;<t at encguiry regarding identi□atien {Ff EEK: lancis 1*--V.V«i7'eé§i§;;1'g.,Sf\$%':No.6\$2f38 and 652/4 which is o11:: and the gains o}: . . ;'V"EiCY 't:?'1.f}}:f'I{3_};C);¥.j.,.5' with fhf: Qrder passed by the Land 'Fribunai datad ,1?-?'}'6r and 26.05.1981 311:1 demark the meets; and hcumis of ~ the mspactive g:t'an.t. made in favauai sf th□ apps□axlts and Waée□. \$.39 respczidsnts 3 1 {a} anzi 1. (b) is R«6 afterz' f"7a~»\$e:t inspection in the presence o:' the appe□ants ::mI(i' 1'*é:\$;1<5'i14ié.11t'sL.V3" E» _ (21) and 1 Go} to R43 o1"

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