

(20) 56

IN THE COURT OF the Divisional Commissioner,
Bangalore Division Bangalore

Dated the 12th day of October 1987.

Present: Shri C. S. Mallaiiah I.A.S.,
Divisional Commissioner,
Bangalore Division,
Bangalore

Case No LRF CR 33/198485

State: by the Divisional Commissioner
Bangalore Division
Bangalore
- Vs -

Respondent: M/s Sree Rama Metal Works
320 Mysore Road,
Bangalore 560026

(by Shri H.R. Anantakrishna Murthy Advr.

Subject: Sue Moto Proceedings initiated under
Section 118A of the Karnataka Land Reforms
Act 1961 to review the orders of the
Special Tahildars for land reforms,
Bangalore South Taluk filed in case
no LRF (B) 45/74-15 dated 3-3-79
guardian declaration of lands under



This is a Suomoto Proceedings initiated under Section 118A of the Karnataka Land Reforms Act 1961 to review the orders of the Special Tahsildar for land reforms, Bangalore South Taluk passed in case no L.R.F.D. 45/74 dated 2-3-79 regarding declaration of land under Section 79(B) of Karnataka Land Reforms Act 1961 in favour of M/s Sree Rama Metal Works, Bangalore.

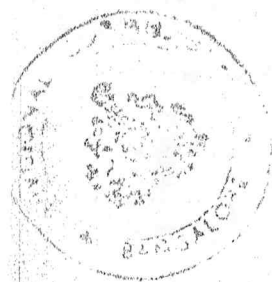
2 The facts of the case in brief are that M/s Sree Rama Metal Works, Mysore Road Bangalore (Respondent here in) is an industry working at Mysore Road, Bangalore within the limits of Corporation of Bangalore. An extent of 4A 23 Guntas of land stands in the name of the Respondent. The Special Tahsildar for land reforms, Bangalore South issued notice to the Respondent under Section 79(B) of the Karnataka Land Reforms Act 1961 for failure to declare possession of land by 30/1/72 of Deevatiramanahalli, Kengeri Hobli, Bangalore South Taluk. The Respondent has filed their statement dated 29-1-79. The Respondent has stated that it is a joint family concern and it does not attract the provisions of Section 79(B) of the Act as it is not a company as contemplated under



Special Tahsildar that this is a Joint family property is not correct. Therefore he ⁽²⁾ requested to review the case under section 113(A) of the Karnataka Land Reforms Act. The case was taken on file and notice was issued to the Respondent to appear on 29-4-85 on 29-4-85 the case was adjourned to 3-6-85 as the Presiding officer was otherwise engaged on 3-6-85 Shri B. R. Ananthakrishna Murthy filed his Vakalat for Respondent. The case came up for final hearing on 16-2-85 on which date the Respondent remained absent. Therefore the case was posted for orders on merits. In order to give an opportunity of hearing the case was again taken on file and posted for hearing. After several adjournments the case came up for final hearing on 5-10-87 on which date the Counsel for the Respondent was present and he was heard.

4 The main contentions of the Counsel for the Respondent are as follows:

- 1) That the Respondents are all members of the same family enjoying the suit property. All the partners of the firm and the members of the same family.



Land Reforms stated in his order that the Respondent has purchased this land long before the amendment Act 13-1974 to the Land Reforms Act came into effect. An extent of 1A 20 gts out of this land has been converted by the Assistant Commissioner, Bangalore Subdivision on 6-4-59. The remaining extent of 3A 3gts is utilised as an agricultural land. He came to the conclusion that this is a Joint family property and does not attract the provisions of Section 79 (B) of the Land Reforms Act 1961 and therefore dropped the proceedings vide his order dated 2-3-1979.

3 The Special Deputy Commissioner, Bangalore District in his letter dated 6-2-1985 has reported that the respondent has applied for conversion of 2.00 acres of land out of S no 11/2 of Deevitigaramanahalli Village, Bangalore for industrial purpose. The application for conversion has been rejected twice on 19-12-1975 and 1-10-1982. The Special Deputy Commissioner for Inam Abolition, Bangalore in his order dated 31-1-1976 has registered M/s Sree Rama Metal Works (Respondent) as a Khathedar of S no 11/2 of Deevitige Ramanchandru. According to Section 79 (B) of Karnataka Land Reforms



4) That the Suit land is not being used for agricultural purpose and it is being used as non-agricultural land and therefore it has lost its character as an agricultural land. In support of his contention he cited the decision of the High Court of Karnataka reported in 1963 Mysore Law Journal Supplement Pages 365-368.

11) That though the Respondent family is engaged in trade it does not convert it in relation to that trade into a part. ship. In support of his contention he cited the citation reported in Mayne's Hindu Law & Usage, Chapter 12 para 323 (Page 579)

12) That the Additional Special Deputy Commissioner, Urban Land Ceiling, Bangalore had exempted the Suit property from the purview of Urban Land Ceiling.

13) That the Suit lands were purchased before the Karnataka Land Reforms Act (Amendment) came into effect.

14) That as per the inspection report of the Addl Spl. DC Urban Land Ceiling that there are seven



Industrial work and storage of raw materials

There is a proposal for expansion of the existing industry and some more workers quarters. There are two septic tanks each measures 20×20 and a big open well also in size 20 . The vacant land is reserved for further expansion of the industry. There are about 170 employees the firm is manufacturing all Engineering goods used for defence, water supply and irrigation, Indian Telephones B.E.M.L. wash basins for Rail Coach and this is a small scale industries unit converted under 20 points programme. There are industrial sheds are also existing on the land.

There fore he requested to drop the proceedings and to uphold the orders of the Special Tahsildar for land Reforms Bangalore South.

O R D E R

I have perused the records and considered the contentions of the learned Counsel for the Respondent. As per the Partnership Deed produced the Respondent firm is a partnership firm among their own family members. The suit land was purchased before the Amendment to Land Reforms Act came in to force. A portion of this land has already been converted and the

Land also since the same is required for expansion of the existing firm. It is also not disputed that the suit land was not used as agricultural land for the last 15 years and hence it had lost the character of an agricultural land. The Additional Special Deputy Commissioner Urban Land Ceiling had exempted the suit land from the purview of Urban Land Ceiling Act. It is stated that there are 170 employees in the firm and the firm is manufacturing all engineering goods used for defence, Indian Telephone Industries, B.E.M.L. etc. From the inspection report of the S.P.I.D.C. for Urban Land Ceiling it is evident that the suit land had lost its agricultural character. Therefore, I am not inclined to interfere with the order of the Special Tahsildar for Land Reforms, Bangalore South. In the result, the order of the Special Tahsildar for Land Reforms Bangalore South is upheld and the proceedings are dropped. (H)

Dictated to the stenographer, the

scribbed



In open court on this the 12 day of
October 1987.



Sd-
(C. S. Mallanah)
Divisional Commissioner
Bangalore Division

Copy applied	Ram Belant
Copy applied on	14-10-87
Copy ready on	14-10-87
Copy delivered on	14-10-87
Copy in	10-87
Comparing	2-50
Copy by	M. (Mayanna)
Compared by	Inezhulla Chay
Court	Stamps

Copy
M. K. [Signature]
For Divisional Commissioner
BANGALORE DIVISION,
BANGALORE.