Prepared on the application of Sri T.R. Narayana Rao dated 6/3/76.

In the Court of the Special Deputy Commissioner for Abolition of Inams. Bangalore.

A.O.R. 20/75-76
Dated 31-1-1976

Present:- Shri B.H. Hanumantha Raju, M.A.,
Special Deputy Commissioner for
for Abolition of Inams. Bangalore

Petitioner:-
M/S Sri Rama Metal works.
By its Managing partner,
Sri G.B. Bilani.
No. 320. Mysore Road
Bangalore-26

Respondent:-
Sri K. Venkata Rao, B.A. B.L.,
Advocate. Balepet.
Bangalore-53

Subject:- Registration of occupancy right of land in S.No. 11/2 measuring 3-03 acres (dry) of Deevilegeramanahalli village Kengeri Hobli, Bangalore South Taluk.

Facts of the case:- The petitioner Sri G.B. Bilani Managing partner M/S Sri Rama Metal Works has submitted a claim petition on 3-10-1975 through their Counsel Sri T.R. Narayana Rao, Bangalore requesting for the registration of occupancy right of land in S.No. 11/2 measuring 3-03 (dry) of Deevelegeramanahalli village on the ground that they purchased the above land from the vendor of the Jodidar of the above village during the year 1960 and from then they are in possession and enjoyment and cultivating the same personally. In

Support of their claim the following documents have been produced.

1. Ex.P1. Certificate No. 44.011 F.C. 3900 Dated 5-11-1975 of the Income-Tax Officer Central circle II Bangalore 27

2. Ex P2 Certified J.L. and R.R. Extracts in respect of S.No. 11/2 of Deevelage Ramanahalli

3 Ex P3 Certified pahani Extract in respect of S.No. 11/2 of Deevelage Ramanahalli for the year 1974-75

4 Ex P4 Land Revenue Receipts. 3 (Three) in number

5 Ex P5 Registered Sale Deed No 1171 Dated 19-4-1945 executed in favour of Smt. Marakka W/O Munivappa by Sri Byrappa S/O Maramma.

6 Ex P6 Certified Sale deed No Dated 6-3-1941 executed in favour of Smt. Thola-Samma W/O Marariah by Smt. Dodda-Lammakka W/O Venkatappa

7 Ex P7 Registered Sale deed No. 1591 Dated 12-7-1960 executed in favour of M/S. Sirvana Metal works. Bangalore by Smt. Tholasamma and others.

Order.

Perused the documents on record and the evidence let in by the witness and the respondent. The village Deevelagerama-halli was an Inam village and subsequently vested in the State vide Notification No. RD.3.MIN.58 Dated 12th January 1959 with effect from 1-2-1959. Heard the Counsel for the petitioner For the reasons set forth in the accompanying affidavit the delay in filing the application was condoned under Section 5 of the Limitation Act and the application was taken on file for

enquiry. As could be ~~seen from~~ as verified from the Form No. I register of the above village maintained in this office S.No. 11/2 measures a total extent of 4-23 gunts classified as dry and stands in the name of M/S Sirsama Metal works, Bangalore and mentioned therein as "unclaimed"

2 As could be verified from the certified J.L. and R.R. extracts S.No. 11/2 measures a total extent of 4-23, classified as dry and stands in the name of M/S Sirsama Metal works, Bangalore. Further it has been mentioned therein that out of the above extent of 4-23 an extent of 1-20 guntas has been ordered to be converted into non-agricultural purposes vide orders of the then Assistant Commissioner Bangalore Sub-Division Bangalore in No. SDO. BI. ALN/123/58-59 dated 14-1959 leaving a balance of 3-03 guntas. As could be perused from the registered sale deed No. 1591 dated 12-7-1960, the petitioner has purchased the above land from Smt. Thoda Sanna and others who in turn had purchased the same from Smt. Doddathanumatcha under a registered sale deed dated 6-3-1941.

3. The petitioner has also been examined and has stated that he is the managing partner of M/S Sirsama Metal works Mysore Road, Bangalore and he got the above land from Smt. Thoda Sanna under a registered sale deed on 20-6-1960. The total extent purchased is 3-03 and one acre twenty guntas from Sri Chikka Lann-

Special Deputy Commissioner for Inam BANGALORE

manthaiah and others and the same has already been converted. Further, he has stated that Smt. Thola Samma has purchased the above land under a registered sale deed dated 15-11-1940 from Smt. Doddahammakka and paying kandayam to the jodidar and that Smt. Thola Samma's nephew Sri Byrappa has executed a sale deed in favour of Sri Marappa and from the date of purchase he is in possession and enjoyment and fenced with compound and cocoanut trees and request that the occupancy right of the above land be registered in his name under Section 5 of the Act with premium.

4. One witness on behalf of the petitioner has also been examined and has stated that the lands are in the possession and enjoyment of M/s Sriraama Metal works, Bangalore and there are few cocoanut trees and mango trees in the above land prior to M/s Sriraama Metal works, Bangalore Sri Chikkahammanthaiah and others were in possession and enjoyment and that he has no objection to register the above land in the name of M/s Sriraama metal works, Bangalore.

5. The respondents the Ex-jodidar of Deevelegeramanahalli) has also been examined and has stated that his father was the jodidar of Deevelegeramanahalli village and he is not alive. He is his successor and has also attested the original sale deed dated 20-6-1960 executed by Smt. Thola-hamma and others in favour of M/s Sriraama-Metal works, Bangalore and that he has no objection to register the above land in the name of M/s Sriraama Metal works, Bangalore.

6. From the above contentions on record it is proved beyond doubt that the petitioner is in exclusive possession and enjoyment of the above land having purchased the same from the vendor of the Ex-Jodidar of the village. The Hon'ble High court of Karnataka, Bangalore in WP. 2890/73. Dated 29-8-1974 (Reported in Karnataka Law Journal. 1975) Item No. 175) have held that a purchaser of inam land from a tenant in possession after the land had vested in Government is entitled to make an application for registry as permanent tenant. The interest claimed by the purchaser was an interest possessed by his vendor. It was an interest in respect of immoveable property which could be sold. If the vendor-tenant was competent to make an application under the Act his right to occupancy stood transferred to the purchaser.

7. In view of the above facts and circumstances and the decision of the Hon'ble High court of Karnataka Bangalore the petitioner M/S. Sirama Metal works by its Managing partner Sri G.B. Bilani No. 320, Mysore Road, Bangalore-26 is entitled to be registered as a permanent tenant and accordingly, the petitioner M/S Sirama Metal Works, by its Managing partner, G.B. Bilani is ordered to be registered as a permanent tenant in respect of 3-03 acres of dryland in S.No. 11/2 of Deevegaramanahalli village, Kengeri Hobli, Bangalore South Taluk under section 5 of the Karnataka (Personal and Miscellaneous) Inams Abolition Act 1957 with premium.

Court of the Special Deputy Commissioner for Inams BANGALORE

Dictated to the Stenographer, Typescript edited and then pronounced in the open court this day the 31st January, 1976.

(Sd) B.H. Hanumantha Raju
Special Deputy Commissioner
for Abolition of Inams:
Bangalore

Bangalore
Dated 31-1-1976

"Copy"

Gazetted Assistant to the
Special Deputy Commissioner
for Abolition of Inams
Bangalore Circle.

COPY APPLICATION 10/3/76
Applied on 6/3/76
Applied by J.R. Narayana Rao
Prepared by R. Ramachar
Compared by K.V. Subramanya Rao
Ready on 9/3/76
Delivered on 9/3/76