

GOVERNMENT OF KARNATAKA

NO. RD 230 LW 76

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, Dated: 4th May 1976.

CIRCULAR

Sub: W.P.No.2050 of 1976 on the file of High Court of Karnataka - Shambu-lingaiah Vs. Nagaraja & others - clarification - regarding appointment of Chairman in the absence of Regular Chairman of a (Land Reform) Tribunal.

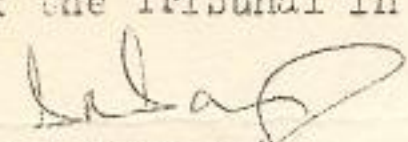
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At the time of preliminary hearing of the above Writ Petition on 5.3.76, the High Court Government Pleader was directed to take notice on behalf of the State Government and the Land Reforms Tribunal, Pandavapura and to make submission about the appointment of the Chairman of the (Land Reforms) Tribunal, Pandavapura, on 11.3.76.

The petitioner had expressed a grievance in the above petition that there was no Assistant Commissioner for the purpose of appointment as the Chairman of the (Land Reforms) Tribunal, Pandavapura and in the absence of the Chairman for the (Land Reforms) Tribunal at Pandavapura, the Tribunal could not function and the persons who had filed applications for registration of their occupancy rights were not in a position to take such orders either by way of injunction or by way of appointing Receiver to protect the crop or the Land from interference from the other party. The petitioner had requested for the grant of Interim Relief by the Hon'ble Court.

The case had come up for preliminary hearing on 25.3.76. The Hon'ble Court was pleased to dismiss the same since the submission was made to the effect that an Assistant Commissioner had been posted by Government on 22.3.76, appointing Sri P. Krishna Iyengar as Assistant Commissioner, Pandavapura Sub-Division, Pandavapura.

It is however clarified, that in view of the specific provision in section 14(3) of Karnataka Land Revenue Act, the post of Assistant Commissioner can never be deemed to be vacant. Whichever officer is deemed to be Assistant Commissioner of the Revenue Sub-Division under section 14(3) of the Land Revenue Act, will automatically become Chairman of the Tribunal in Ex-officio capacity.


(S.R.SAKHARE)

Asst. Spl. Officer for L.R. & Ex-officio
Under Secy. to Govt. Rev. Dept. I/c.

To:
All Deputy Commissioners / Special Deputy Commissioners / All Assistant Commissioners / Special Assistant Commissioners of Sub-Divisions.
The Advocate General, Karnataka, Bangalore.
All Tahsildars of Taluks / Special Tahsildars.
Copy to G.A.D. (Services) / Law Department.