

GOVERNMENT OF KARNATAKA

NO.RD 54 LRW 75

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, Dated: 30th October 1975.

C I R C U L A R

Sub: Procedure to be adopted by the Tribunal  
in deciding tenants applications under  
Section 48A of the Land Reforms Act.

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The High Court of Karnataka in their judgment dated 16.6.1975 in Writ Petition No.1727/75 filed by one Shri Putte Gowda of Belegere Village, Sringeri Taluk claiming to be a tenant, while remanding the case to the Sringeri Tribunal for disposal afresh in accordance with the Law, have made the following observations -

"The Tribunal is a quasi-judicial body. It has got to dispose of the case on the basis of the evidence placed before it. The decision should ~~xxx~~ be given by it after considering the evidence in an objective way. The Members of the Tribunal cannot act on their private information. A reading of the above order shows that the case is disposed of on the statement of three members of the Tribunal stating that they had personal knowledge of the fact of cultivation of the lands by respondent-3. Puttappa and the Chairman who are also the members of the Tribunal had neither personal knowledge nor any evidence before them to act upon. The Tribunal has disposed of the case in a very highly perfunctory way. The order passed by the Tribunal is therefore set aside. The Tribunal is directed to dispose of the case afresh in accordance with law. No costs."

The~~se~~ observation of the High Court of Karnataka has to be taken note of by all the Assistant Commissioners / Special Assistant Commissioners who are functioning as chairman of the Tribunals and they should apprise the non-official members of the Tribunals also and request them to guard against such pitfalls in future in disposing of the tenant's applications.

N B Sakhardande  
(N.B.Sakhardande)

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

To

- All the Divisional Commissioners.
- All the Deputy Commissioners / Special Deputy Commissioners.
- All Assistant Commissioners / Special Assistant Commissioners.
- All Tehsildars / Special Tehsildars.
- Weekly Gazette. (Final orders approved by Revenue Commissioner and Revenue Secretary on 28.10.1975).

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