

GOVERNMENT OF KARNATAKA

No.RD.7164.LEW.85.

Karnataka Government Secretariat,  
Multistoreyed Building  
Bangalore, Dated: 10-12-1985.

C I R C U L A R

Mr.A.S.Srikantha, Special Deputy Commissioner, Bijapur, has requested the Government in his D.O.letter to examine the question as to at what point of time or as on what date the surplus lands of a declarant should be determined in view of the conflicting decisions of the High Court and the Supreme Court.

In this connection, it is stated that the controversy as to at what point of time or as on what date the Land Tribunals should determine the extent of holding of the declarant and the area by which such extent exceeds the ceiling area, ie., the surplus lands, is now set at rest by the Hon'ble High Court in a decision in Abdul Khader Vs Land Tribunals reported in Indian Law Reports 1985 (Karnataka) 3923. The said decision has also declared that the earlier decision of our Hon'ble High Court in Nagappa Channappa Vs State of Karnataka and another reported in 1979(1) Karnataka Law Journal 420, holding that the surplus lands should be determined as on the date of consideration of declaration of the declarant, is no longer good law, in view of the positive pronouncement of the Supreme Court.


The correct position in law is that the extent of surplus lands of any person or family who files a declaration under section 66 must be determined under section 67 as on the appointed day ie., 1.3.1974, on which date the Karnataka Land Reforms (Amendment) Act came into force. This position

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in law should be followed by all the Land Tribunals in the State.

Copy of Judgement in Abdul Khader Vs Land Tribunal, reported in Indian Law Reports 1985 (Karnataka) 3923 is enclosed herewith for the guidance of all Land Tribunals.

  
(U. CHOLAYYA)  
Deputy Secretary to Government,  
Rev. Dep (Land Reforms Cell) (Judl).

10/12/85

To:

1. All Land Tribunals in the State.
2. All Deputy Commissioners and Special Deputy Commissioners.
3. All Divisional Commissioners.
4. Advocate General and Government Advocates/  
High Court Government Pleaders.

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