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Government of Karnataka

No.RD 91 LRM 79

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, dated: 11-5-1979

CIRCLAR

Sub:- Land Reforms - Judgement of the Tribunal -
Where the majority of the members present
do not accept the view expressed in the order -
Clarification regarding -

In one case under Sec.48-A of the Karnataka Land Reforms Act, before a Land Tribunal, the Chairman had written an order but it was not pronounced. The original order written had been signed by the Chairman only. However, in the typed copy of the order the signatures of the Chairman and three out of four remaining non-official members of the Tribunal were affixed to the order. In the preamble portion of the order, the Chairman had stated that he had refrained from giving any opinion on the case in view of allegations by parties of his interestedness, and one of the non-official members had endorsed above his signature that he disagreed with the opinion of the other two non-official members. the question that has come up for consideration is whether the above said written order could be acted upon and pronounced by the re-constituted Tribunal.

As the Chairman had refrained from giving any opinion in this case, it follows that he was not a party to the views expressed in the order. By merely affixing his signature to the order, the Chairman did not become a party to the order. The fourth non-official member had also not signed the order. The fact that the original order had been signed only by the Chairman and not by the other members renders the order ineffective and in-operativa as all the members present had not signed it. As the Chairman had refrained from giving any opinion and one of the other members who was present had expressed dissent from the opinion of the first two non-official members, the opinion recorded by the first two non-official members cannot be treated as the decision of the majority of the four members present including the Chairman.

As the earlier order is vitiated, the Tribunal has to take up the matter afresh and make an order in accordance with law after giving a fresh opportunity to both the parties for being heard and for placing all relevant materials before it. This position of law may be noted for information and guidance by all concerned.

H. N. Ranganathan
(H.N.Ranganathan),

Asst.Spl.Officer for Land Reforms & Ex-officio Under Secy.to Govt. Rev.Dept.

- All the Divisional Commissioners.
- All the Deputy Commissioners/Special Deputy Commissioners.
- All the Assistant Commissioners/Special Assistant Commissioners/Additional Special Assistant Commissioners.
- The other Chairmen of the Tribunals.
- The Secretaries of all Tribunals.

Copy to: The Deputy Commissioner, Bidar with reference to his D.C. letter No. 100/02/00/1078-79 dated 25-1-1979.

21.1979
LRP
29/5/79
Copy to
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