

GOVERNMENT OF KARNATAKA

No. RD 176 LRM (1) 82.

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, 26th March, 1983.

C I R C U L A R

Sub: Land Reforms - Strict implementation
of stay orders from the High Court
and other Courts of Law -

It has been brought to the notice of Government that in several instances, where interim orders of stay have been received from the High Court, in relation to the determination of surplus land under the provisions of the Karnataka Land Reforms Act 1961, Tahsildars, Special Tahsildars and other officers authorised under Section-77, have not taken requisite notice of the implications of such stay orders. Some of the officers in the field have also carried out the general instructions of supervisory officers in the Revenue Department, without carefully verifying the factual position of individual cases. Instructions issued by supervisory officers in dealing with cases of lands declared surplus under the Land Reforms Act, would be of a general nature and may not be applicable to specific instances. In all matters, where judicial courts have been seized of identical matters and where interim orders of stay have been issued, the concerned officers should examine each individual case to find out, whether after implementing the stay orders, any further action can and should be taken.

2. The clear implication of a stay order is the maintenance of 'status quo' as on the date of the receipt of such a stay order, with regard to the matter which is before the Court of Law. Interim Orders staying further action whenever ordered by a Court of Law are to be obeyed implicitly; any further action on the part of a Revenue Officer after the receipt of such orders, can be only with the explicit permission from the Court.

3. In certain cases, where orders of stay in respect of further action connected with the lands declared surplus under the Land Reforms Act were received, the local officers have taken action to lease the said lands after the receipt of the stay orders. Such action to lease the lands under Section 79 of the Karnataka Land Reforms Act or under any other provision of law will amount to clear disobedience of the Court's orders. This is so, even when such surplus lands have been taken possession of following the procedure laid down in the Land reforms Act and Rules. In such cases,

if any further action is necessary, it is necessary to move the appropriate court through the Government Advocates and seek modification of the stay orders issued for reasons to be explained to the satisfaction of the court.

4. Therefore, all Officers of the Revenue Department are hereby directed to refrain from passing any orders or taking any action to distribute or to lease the surplus land during the currency of operation of stay orders. Contravention of these instructions would render the officer concerned liable to face charges for Contempt of Court.

N.K. Prabhakar

(N.K. PRABHAKARANA RAO)
Revenue Commissioner and Secretary to Govt.
Revenue Department.

TO:

1. The Divisional Commissioners of all Divisions.
2. All the Deputy Commissioners of the Districts.
3. All the Spl. Deputy Commissioners.
4. The Assistant Commissioners of all Sub-Divisions.
5. All the Tahsildars in the State.