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GOVERNMENT OF KARNATAKA

Po.RD 376 LRW 76

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore: dated: 13th Jan.'77

CIRCULAR

Subject:- Procedure to be adopted by the Tribunals when there are more than one application for registration of the occupancy right of the same land.

The High Court of Karnataka in their judgement dated 13.10.1976 in W.P.No.3359/76 filed by one Smt. M.K.Shanta of Iddya Village, Mangalore Taluk challenging the order of the Land Tribunal, Mangalore Taluk have made the following observation:-

" The petitioner has challenged the order of the Land Tribunal, Mangalore Taluka made in No.LRT 535/1975 dated 30.3.76 by which the third respondent has been registered as an occupant of the lands in question. The petitioner, claiming to be the tenant of the same lands, has also made an application for her being registered as an occupant. But, the Tribunal, without hearing the petitioner's application and the application of the third respondent together, has disposed of only the application of the third respondent granting occupancy rights in his favour. As a result of the order made by the Tribunal, the petitioner's application which is still pending, will necessarily have to be dismissed. When there are more than one application for registration of occupancy rights by different persons in respect of the same land, it is the duty of the Tribunal to take up all such matters together and to make a common order. As that has not been done the impugned order is liable to be quashed.

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For the reasons stated above, this writ petition is allowed and the impugned order of the Tribunal dated 30.3.1976 is hereby quashed and the case is remitted back to the Land Tribunal, Mangalore Taluka with a direction to dispose of the petitioner's application and the application of the third respondent together, after giving an opportunity to all the parties to produce evidence in support of their respective contentions and after hearing them. No costs".

2. The above observation of the High Court of Karnataka is brought to the notice of all the Asst. Commissioners and Special Asst. Commissioners who are functioning as Chairmen of the Tribunals for their guidance. The applications filed by different persons for the grant of the occupancy right in respect of the same land, should be taken up together, and common order passed.


(B.M. NAGARAJ)

ASST. SPL. OFFICER FOR L.R. & EX-OF ICIO
UNDER SECY. TO GOVERNMENT, REVENUE DEPT.

- To
- All the Assistant Commissioners,
 - All the Special Asst. Commissioners,
 - All the Tahsildars
 - All the Special Tahsildars.