

GOVERNMENT OF KARNATAKA

No. RD 898 LFW 76

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, Dated: 7th October 1976.

CIRCULAR

Sub: Land Tribunal Cases - Entertaining subsequent applications by other tenants - Issue of instructions.

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A large number of applications filed by the tenants under Section 48(A) of the Karnataka Land Reforms Act have already been decided by the Tribunals all over the State.

A point has been raised that, in respect of lands for which the Tribunals have already declared and decided some applicant-tenants as eligible for grant of occupancy rights whether a subsequent application filed by another person claiming to be a tenant, of the same lands, for grant of occupancy rights may be entertained by the Tribunals.

It is clarified that when once the Tribunal registers a person as an occupant on the ground of such person having been the tenant of the land, it becomes functus officio and the Tribunal is not legally entitled to reconsider the matter subsequently, merely because some other person comes forward claiming to be entitled to the occupancy right in respect of the same land. Such reconsideration amounts to a review and cannot legally be made. Thus the Tribunal is not entitled to entertain and decide upon a subsequent application. In such cases the previous decision of the Tribunal has become final. However, there is provision under the Constitution of India to file Writ Petitions before the High Court by the aggrieved party if he so desires.

(B.M.NAGARAJ)

Asst. Spl. Officer for L.R. & Ex-officio  
Under Secy. to Govt. Revenue Department.

To

The Assistant Commissioners.  
The Special Assistant Commissioners.  
The Special Tahsildars.  
The Tahsildars.

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