

(
ITEM NO.202

COURT NO.6

SECTION IVA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4404/2007
(From the judgment and order dated 07.12.2004 in W.A.No.1083 of 2001 and
W.A.No.3412 of 3412 of 2001 of the High Court of Karnataka at Bangalore)

PIONEER CLAY & INDUSTRIAL WORKS LTD. Petitioner(s)

VERSUS

LAXMIBAI & ORS. Respondent(s)
(With application for condonation of delay in filing SLP, prayer for
interim relief and office report)

[FOR FINAL DISPOSAL]

Date: 22/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s) Mr. V. Giri, Sr. Adv.
Mr. Romy Chacko, Adv.
Mr. Varun Mudgal, Adv.

For Respondent(s) Ms. E.R. Sumathy, Adv.

Mr. R. Jaganath Goulay, Adv.
Ms. S. Usha Reddy, Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.
Leave granted.
Heard learned counsel for the parties.
The appeal stands disposed of.

[KALYANI GUPTA]
COURT MASTER

[INDU POKHRIYAL]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10358 OF 2013
[ARISING OUT OF SLP (C) NO.4404 of 2007]

PIONEER CLAY AND INDUSTRIAL
WORKS LIMITED, KHANAPUR APPELLANT

VERSUS

SMT. LAXMIBAI & ORS. RESPONDENTS

O R D E R

Delay condoned.

2. Leave granted.
3. Heard learned counsel for the parties.
4. The Land Tribunal, Khanapur, considered the application of the appellant under the Karnataka Abolition of Certain Inams Act, 1977 and declared the appellant as occupant of the disputed land under Section 5(1) of the said Act by order dated 27th August, 1992. Aggrieved by the said order dated 27th August, 1992 of the Land Tribunal, the respondent filed a writ petition before the High Court bearing Nos. 31160-31161 of 1998, but by order dated 20th November, 2000, a learned Single Judge of the High Court dismissed the writ Petitions. The respondent then carried writ appeals bearing Nos. 1083 of 2001 and 3412 of 2001(LR) before the Division Bench of the Karnataka High Court. The Division Bench relying on earlier Division Bench judgments of the Karnataka High Court in the case of Smt. Gowamma & Others v. The Land Tribunal, Bangalore North Taluk & Others (2000) 2 KCCR 1025 took the view that the power to grant occupancy rights was conferred on the Deputy Commissioner of the District concerned and therefore, the Land Tribunal had no jurisdiction but to pass the order dated 27th August, 1992 in favour of the appellants.
5. In course of hearing today, it has been brought to our notice that the Division Bench judgment of the Karnataka High Court in the case of Gowamma (supra) was carried in appeal to this Court in Civil Appeal Nos. 5684-5685 of 1999 and Civil Appeal No. 5687 of 1999 and by a judgment dated 28th April, 2005 reported as M.G. Ramachandran v. Gauramma and Others (2005) 10 SCC 25, this Court has held that the Land Tribunal and not the Deputy Commissioner had the jurisdiction to decide the matters relating to occupancy rights under the Karnataka Abolition of Certain Inams Act, 1977.
6. In view of the aforesaid decision of this Court in M.B. Ramachandran v. Gauramma and others (supra), we set aside the impugned order of the Division Bench of the High Court and remand the matter to the Division Bench of the Karnataka High Court to consider other grounds taken by the respondent in the appeal against the order dated 20th November, 2000 of the learned Single Judge of the High Court in Writ Petition Nos. 31160-31161 of 1992(LR).
7. The appeal stands disposed of.

.....J
[A.K. PATNAIK

.....J
[JAGDISH SINGH KHEHAR]

NEW DELHI
NOVEMBER 22, 2013.