

C.A.No. 5506 OF 1999
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5506 OF 1999

B.E. SUNDARA SETTY ... APPELLANT

VERSUS

B.E. SHANKAR SETTY & ANR. ... RESPONDENTS

O R D E R

The respondent No.1 as well as the appellant applied for grant of occupancy rights over the land in question under the provisions of the Karnataka Land Reforms Act (for brevity, 'the Act') . The Tribunal granted occupancy rights in favour of the appellant in respect of the land in question rejecting the rival claim made by respondent No.1. Aggrieved by the order of the Land Tribunal, the respondent No.1 filed appeal before the Appellate Authority constituted under the Act. The Appellate Authority, on consideration of the material placed on record, reversed the order of the Tribunal and granted occupancy rights in favour of respondent No.1 over the land in question. The appellant challenged the order made by the Appellate Authority.
..2/-

.2.
Authority before the High Court in revision petition. In L.R. Revision Petition No.2024/89 the High Court, on considering the entire material placed on record, dismissed the revision petition by a detailed and considered order. Hence, this appeal.
The learned counsel for the appellant urged only one point before us, i.e., that the Land Tribunal had no jurisdiction to deal with the question of grant of occupancy rights as the land in question was 'Inam' land vested under the provisions of the Inams Abolition Act. He fairly conceded that the question of jurisdiction of the Land Tribunal had not been raised before any authority including in the revision petition before the High Court; it is only after the disposal of the revision petition by the High Court by way of review the appellant sought to raise this question. The High Court dismissed the review petition also. He urged that this being the pure question of law going to the jurisdiction may be entertained. We are not impressed by this submission. If the appellant was serious as to the question of jurisdiction, he himself ought not to have made an application in Form No.7 before the very Land Tribunal for grant of occupancy rights.
..3/-

.3.
Having lost his case before the Appellate Authority as well as the High Court, in our view, it is too late to raise the question of jurisdiction now before us.
This being the position, we find no merit in this appeal. Consequently, it is dismissed.
No costs.

.....J.
[SHIVARAJ V. PATIL]

New Delhi, [B.N. SRIKRISHNA]
September 29, 2004.
ITEM NO.105 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

CIVIL APPEAL NO. 5506 OF 1999

B.E.SUNDARA SETTY Appellant (s)

VERSUS

B.E.SHANKAR SETTY & ANR. Respondent(s)
(With office report)

Date: 29/09/2004 This Appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s) Mr. Rajesh Mahale, Adv.
Mr. R.C. Kohli, Adv.

For Respondent(s)

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

Heard learned counsel for the appellant for 10 minutes.
The appeal is dismissed with no costs in terms of the signed order.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)