

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8885 OF 2013  
(Arising out of SLP(C)NO.22908/2004

B.N. RANGA IYENGAR (D) BY LRS. & ORS. . .APPELLANTS

VERSUS

STATE OF KARNATAKA & ORS. . .RESPONDENTS

O R D E R

Leave granted.

Heard learned counsel for the parties.

The only issue in this appeal is whether the Land Reforms Tribunal (for short 'Tribunal') rightly decided the question that the respondents-tenants were cultivators in possession and were therefore entitled to be declared as tenants under the Karnataka Land Reforms Act, 1961.

After a series of remand, the Tribunal by its order dated 27.5.2002 held that the tenants-respondents herein were in cultivatory possession of the lands in question and were therefore, entitled to be declared as tenants. The learned Single Judge rejected the writ petition preferred by the petitioners-appellants herein. The Division Bench upheld the decision of the learned Single Judge.

It was argued before us by Ms. Pritha Srikumar Iyer, learned counsel appearing for the appellants that the findings though normally not liable to be interfered with, are perverse. In that the Tribunal and the High Court have not taken into account a clear admission by the respondent-Patel Komaregowda(since deceased) given before the Land Reforms Tribunal, Alur on 11.10.1976 to the following effect:

"1) What documents do you have to show that you cultivated for 30 years under me?

Ans: I have not raised any crop. I have no documents to show payment of rent. I have not cultivated the land and had a hulubanni contract and I was executing the same.

2) In your Hanjalige village, for your cattle to graze.

Ans: For same it is there, for some it is not there."

We find that this admission has not been considered by any of the courts below. It is certainly an admission which could not have been ignored since it may have the effect of dis-entitling the status of cultivation which is a pre-requisite that he is a tenant.

In the circumstances, we allow the appeal, set aside the impugned order of the High Court and remand the matter to the Land Reforms Tribunal, Alur, for a fresh decision in accordance with law. As the matter is very old, we request the learned Tribunal that the matter may be decided expeditiously.

.....J.  
[ DR. B.S. CHAUHAN ]

NEW DELHI  
OCTOBER 1, 2013  
ITEM NO.5

Court No.5

.....J.  
[ S.A. BOBDE ]  
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).22908/2004

(From the judgement and order dated 27/05/2004 in AN No.5077/2002 of The  
HIGH COURT OF KARNATAKA AT BANGALORE)

B.N. RANGA IYENGAR (D) BY LRS. & ORS. Petitioner(s)

VERSUS

STATE OF KARNATAKA & ORS. Respondent(s)

(With prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

Date: 01/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Ms. Pritha Srikumar Iyer,Adv.  
Mr. Dhananjay Baijal,Adv.  
Ms. Akanksha,Adv.  
Mr. Nikhil Nayyar,Adv.

For Respondent(s) Mr. V.N. Raghupathy,Adv.

Mr. Sanjay R. Hegde,Adv.

Mr. Abhishek Chauhan,Adv.  
Mr. Ashutosh Dubey,Adv.  
Mr. P.N. Puri,Adv.

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

Leave granted.

In terms of the signed order the appeal is allowed setting

aside the impugned order of the High Court and remand the matter to the Land Reforms Tribunal, Alur, for a fresh decision in accordance with law. As the matter is very old, we request the learned Tribunal that the matter may be decided expeditiously.

	(O.P. SHARMA)		(M.S. NEGI)	
	Court Master		Court Master	

(Signed order is placed on the file)