

## AABBCC

This Case Explanation includes important Laws, background of case, Facts of case, questionin matter, judgment and reference cases.

### First

Important Laws covered in the case are,

- Section 2(33) of the Karnataka Land Reforms Act, 1961
- Section 48-A of the Karnataka Land Reforms Act, 1961
- Section 2(34) of the Karnataka Land Reforms Act, 1961
- Section 2(27) of the Karnataka Land Reforms Act, 1961
- Section 45 of the Karnataka Land Reforms Act, 1961
- Section 137 of the Karnataka Land Reforms Act, 1961
- Rule 19 of the Karnataka Land Reforms Rules, 1974
- Rule 19(1) of the Karnataka Land Reforms Rules, 1974

### Second

Background of case

- The present appeal was filed in response to the judgment of Division bench of High Court of Karnataka which was given in response to a writ petition.

### Third

Facts of the case

- Appellants are representatives of Nadakerappa, who claimed to be tenant of the lands in question and filed two applications for occupancy rights in Land Tribunal. The tribunal granted occupancy rights in his favor to a percentage of Land and a certificate of registration was issued with an order of compensation which was to be paid to Land owners.
- Mariyappa, a party to the current suit, was not made party to the application, even though he bought a section of land in question, which led to an appeal by him in High court against the order of tribunal. Thereby, matter was transferred to Land Reforms Appellate Authority, which dismissed the matter. An application was also filed before Tahsildar to rectify the revenue entry and show his name but it was not allowed, against which an appeal before assistant commissioner was filed, which too was dismissed.
- After Mariyappa's death, his legal representatives filed a revision petition before special deputy commissioner was filed and was allowed. Aggrieved, Nadakerappa filed a writ petition in High Court which was allowed and all the previous order of Tahsildar, assistant commissioner and special deputy commissioner was set aside. Meanwhile, he had also filed a suit for injunction for land in srigandadakaval village before civil court which initially granted a

temporary injunction and then gave a final decree in his favor. Landowners challenged it in High court, but was dismissed.

- Nadakerappa filed a memo before Land tribunal in 2002 for seeking correction of a clerical mistake and a notice was issued to the landowners. This notice along with order of Land Tribunal granting occupancy rights to him was challenged. Single judge bench, dismissed the petition, however, another petition was allowed and notice was quashed.
- A further appeal was filed which was allowed by the division bench and matter was remanded to Land Tribunal for fresh disposal. Hence, present appeal was filed.

#### **Fourth question in matter**

- Whether the Division Bench justified in quashing of relevant orders and remanding the matter to Land Tribunal?
- Whether Single Judge was justified in quashing the notice?

#### **Fifth judgment stated**

- The Court held that remanding of the matter of land tribunal by division bench is without justification as it observed that it is a settled law Appellate court has to decide the appeal on merits rather than simply remanding the matter to the lower tribunal.
- The Court observed that a proviso was added in the relevant Act to allow tenants to make an application seeking correction of the extent of land and since the legislation is a beneficent in nature to help rural tenants who are mostly illiterate, Single Judge erred in quashing the notice and thereby, the orders were accordingly changed.

#### **Sixth Reference cases used in judgment**

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