

## Gurumallappa Vs The Assistant Commissioner, Kollegal Sub-Division

**Court:** Karnataka High Court

**Date of Decision:** Aug. 27, 2014

**Acts Referred:** Karnataka Land Reforms Act, 1961 â€” Section 79A, 79B, 83

**Citation:** (2015) 1 AKR 852 : (2015) ILR 438 : (2014) 4 KCCR 3586

**Hon'ble Judges:** H.G. Ramesh, J

**Bench:** Single Bench

**Advocate:** Tharanatha Shetty K, Advocate for the Appellant; R.B. Sathyanarayana Singh, High Court Government Pleader, Advocate for the Respondent

### Judgement

@JUDGMENTTAG-ORDER

H.G. Ramesh, J.

This writ petition is directed against the order dated 17.06.2014, wherein the Assistant Commissioner, Kollegal Sub-

Division has declared purchase of the land measuring 9 acres 99 cents by petitioner No. 2 on 20th April 2011 as void on the ground that the

purchase was violative of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 (the "Act"). By consent of the learned Counsel on

both sides, the petition is heard on merits and is being disposed of by this order.

2. The contention of the learned Counsel for the petitioners is that, no show-cause notice was issued to petitioner No. 2 re-validity of the purchase

and therefore, the petitioners had no opportunity to show that the purchase was not contrary to the provisions of the Act. Hence, he contends that

the impugned order is violative of the principles of natural justice and is liable to be set aside.

3. Learned High Court Government Pleader fairly submits that no show-cause notice was issued to the petitioners regarding validity of purchase of

the land. As no show-cause notice was issued to petitioner No. 2, the impugned order is violative of the principles of natural justice. Further, the

finding recorded by the Assistant Commissioner that purchase of the land was violative of Sections 79A & 79B of the Act is outside the scope of

the proceeding as the proceeding related to only change of Khatha and it was not an inquiry under Section 83 of the Act. Accordingly, the

impugned order dated 17.06.2014 passed by the Assistant Commissioner is set aside and the matter is remitted to the Assistant Commissioner for

reconsideration in accordance with law, after affording an opportunity of hearing to the petitioners. All contentions of both the parties are kept

open.

Petition disposed of.