

# SUPREME COURT OF INDIA

Arun Kumar

Vs.

State of Karnataka

C.A.No.1096-1097 of 2002

(Dr.Arijit Pasayat and P.Sathasivam,JJ.)

07.04.2008

## JUDGMENT

### **Dr.Arijit Pasayat, J.**

1. Challenge in these appeals is to the order passed by learned Single Judge of the Karnataka High Court allowing the civil revision filed under Section 121(A) of the Karnataka Land Reforms Act, 1961 (in short `the Act'). Challenge in the petition was to the order passed by the Land Reforms Appellate Authority, Dharwad (in short `Appellate Authority') Respondent no. 3 had filed the petition. The Appellate Tehsildar has endorsed his findings on the document itself. It is necessary to refer to Sections 7 and 41 of the Act which provide for restoration of possession under certain circumstances. The procedure for recovery of such possessions also prescribed. Undisputedly, no such application was, however, filed by the respondent no.2. Additionally, no action was taken by respondent no.2 for grant of tenancy rights from 1955 till 1974. Above being the position, the High Court's order is clearly indefensible and is set aside and the order passed by the Appellate Authority is restored.

2. The appeals are allowed without any order as to costs.



