

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JANUARY, 2022

BEFORE

THE HON'BLE MR.JUSTICE R DEVDAS

WRIT PETITION NO.32351 OF 2018 (LR)

BETWEEN:

M.C. BHANUPRAKASH,
S/O CHIKKACHANNAPPA,
AGED ABOUT 62 YEARS,
RESIDING AT NO.996,
MANNEPPA BUILDING,
OPP.KEB, CHIKKABALLAPURA
MAIN ROAD, VIJAYAPURA,
DEVANAHALLI TALUK – 562 135,
BANGALORE RURAL DISTRICT.

...PETITIONER

(BY SMT.KAVITHA P.M., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M S BUILDING,
BANGALORE – 560 001.
2. THE ASSISTANT COMMISSIONER,
DODDABALLAPURA SUB DIVISION,
BANGALORE – 561 203.
3. TAHSILDHAR,
DEVANAHALLI TALUK,
BANGALORE RURAL DISTRICT-562135

...RESPONDENTS

(BY SRI.A.R.SRINIVAS, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER PASSED BY THE LEARNED KARNATAKA APPELLATE TRIBUNAL IN APPEAL NO.652/2015 DATED 27.4.2018 MARKED AS ANNEXURE – K; QUASH THE ORDER PASSED BY THE R-2 DATED 31.1.2005 MARKED AS ANNEXURE – F AND ETC.,

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

R. DEVDAS J., (ORAL):

The petitioner is aggrieved by the order of forfeiture passed by the 2nd respondent - Assistant Commissioner invoking the provisions of Section 83 of the Karnataka Land Reforms Act, 1961 for violation of the provisions contained in Sections 79A and 79B of the Act. The petitioner is also aggrieved by the subsequent order of the Karnataka Appellate Tribunal in Appeal No.652/2015 dated 27.04.2018.

2. The learned counsel for the petitioner draws the attention of this Court to the Karnataka Land Reforms (Second Amendment) Act, 2020,

Karnataka Act No.56 of 2020, whereby the provisions of Sections 79A, 79B and 79C have been omitted. Moreover, as per Section 12 of the Amending Act, all cases finally disposed off before the promulgation of the Karnataka Land Reforms (Amendment) Ordinance, 2020 (Karnataka Ordinance 13 of 2020) shall remain unaffected by the Ordinance. Section 12 (2) provides that all cases pending before any Court, Tribunal or other authority competent under the provisions of the Principal Act on the date of promulgation of the Karnataka Land Reforms (Amendment) Ordinance, 2020 (Karnataka Ordinance 13 of 2020) pertaining to Sections 79A, 79B and 79C shall stand abated.

3. Admittedly, as on the date of Ordinance, the appeal filed by the petitioner herein was pending before this Court. Sub-section (2) of Section 12 of the Amending Act clearly provides that if the proceedings are pending before any

Court, Tribunal or any authority competent under the provisions of the Principal Act as on the date of the promulgation of the Ordinance, 2020, such proceedings shall stand abated.

4. For the reasons stated above, this Court proceeds to pass the following

:ORDER:

- (i) The impugned order dated 31.01.2005 passed by the 2nd respondent— Assistant Commissioner and the order dated 27.04.2018 passed by Karnataka Appellate Tribunal in Appeal No.652/2015 are hereby quashed and set aside.
- (ii) The proceedings in No.LRF: SR.355/2003-04 is hereby declared as having abated.

Ordered accordingly.

**Sd/-
JUDGE**

rv