

PETITIONER:
STATE OF KARNATAKA

Vs.

RESPONDENT:
SHRI KUDLI SRINGERI MAHASAMASTHANAM & ORS.

DATE OF JUDGMENT: 08/08/1996

BENCH:
JEEVAN REDDY, B.P. (J)
BENCH:
JEEVAN REDDY, B.P. (J)
SEN, S.C. (J)

CITATION:
JT 1996 (7) 214 1996 SCALE (5)779

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

Heard the counsel for the parties.

These appeals are preferred by the State of Karnataka against the judgment of a Division Bench of the Karnataka High Court allowing the two writ petitions filed by the respondent and declaring that the Karnataka Inams Abolition Laws (Amendment) Act, 1979 (Karnataka Act 26 of 1979) is a still-born, void and invalid Act and declaring further that the Mysore (Religious and Charitable) Inams Abolition (Karnataka Amendment) Act, 1984 is a superfluous enactment. It was also declared by the High Court that the Mysore (Religious and Charitable) Inams Abolition Act, 1955 as amended in 1969 remains unaffected by the Karnataka Inams Abolitions Laws (Amendment) Act, 1979. The decision of the Karnataka Appellate Tribunal in Appeal No. 453 of 1977, which was questioned by the State, was also affirmed.

The respondent was the Inamdar of a large extent of land covering 9 villages. They were inam lands and stood abolished under the Inam Abolition Act, 1955 with effect from 1.4.59. The main dispute herein pertains to the determination of the Basic annual sum to which the respondent is entitled to. By an order dated 1st September, 1957 the Deputy Commissioner fixed the Basic annual sum at Rs. 2,815/-. After the coming into force of the Amendment Act 33 of 69, which inter alia inserted Section 21-A providing for review of the orders determining the Basic annual sum, the respondent filed a revision which was allowed by the Deputy Commissioner by his order dated 5th May, 1976. Under this order the Basic annual sum was fixed at Rs. 1,94,875/-. An appeal preferred by the State of Karnataka against the order of the Deputy Commissioner was dismissed by the Appellate Tribunal. Then followed Amendment after Amendment, which it is not necessary to trace here for the reasons mentioned hereinafter. (Act 26 of 79 was enacted and then came Act 24 of 1984 and ultimately the Amendment

Act of 1995, the last-mentioned during the pendency of this matter in this Court). The High Court has dealt with both the Amendment Acts viz., Act 26 of 79 and Act 24 of 84 and has made certain declarations and directions. The 1995 (Amendment) Act, of course, was enacted and came into force after the impugned judgment was delivered by the High Court. The judgment of the High Court is assailed on various grounds in these appeals.

After hearing the parties, we are of the opinion that it is not necessary, in the particular facts and circumstances of this case, to go into or consider the several contentions raised in these appeals, or for that matter, considered and pronounced upon by the High Court. Having regard to the extend of the land concerned herein and all the relevant facts and circumstances, we are inclined to think that the determination of the Basic annual sum at Rs. 1,94, 875/- is reasonable and adequate. Accordingly, we dismiss these appeals without expressing any opinion on any of the contentions raised in these appeals or, for that matter, upon those considered and adjudicated upon by the High Court. Similarly we do not express any opinion upon the effect and validity of the Mysore (Religious and Charitable) Inams Abolition Karnataka Amendment Act, 1995 being Karnataka Act 29 of 1995. The said questions may be gone into in an appropriate case.

The appeals are accordingly dismissed subject to the above observations. No costs.