

Important judgments delivered by Justice Suraj Govindaraj. Karnataka High Court



Labour Law. Dismissal of workman on the ground of loss of confidence of the employer in the workman would not prevent the Labour Court from passing an order of reinstatement. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/G1thv6CTExOr9SQw8qfSKKhfY>

KT & CP Act. When designation of land in the Master Plan as park is lapsed due to non-acquisition within five years, the landowner is entitled for conversion of the land as per the new classification of the land under the Master Plan. Karnataka High Court

<https://dakshalegal.com/judgements/actionView/nm19csYtxwSXa1tdrxwIQh09c>

Industrial Disputes Act. An order refusing permission under Section 33(2)(b) can be challenged by way of a Writ Petition in appropriate cases. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/wU4BZGazuANvvIEy3nX2gAaEI>

Labour Law. Once a domestic enquiry is held to be fair and proper, the labour Court cannot hold the contents of the enquiry report to be perverse and set aside the order on that basis. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/G5c2pBGLNkC4UIw08dSOIV9Ny>

Karnataka Societies Registration Act. Erstwhile office members cannot process election to the Society after the appointment of an administrator merely because the administrator has not taken charge. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/wY4IFwKBfwBQLCXexQmFQkkzk>

Karnataka Cooperative Societies Act. Special Officer cannot be appointed on the ground of resignation of directors without waiting for 15 days period prescribed under Section 29(B) to withdraw the resignations. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/rDzZKvBC2pSsW4n8CtsM8QB0s>

Change of land use is not required under the KTCP Act to run educational institution once the land is converted under the KLR Act for non-agricultural/educational purposes. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/NTAWFiMBqmhSa1rvzC95Rw7Xi>

Repair work of the building demolished for road widening, to make it usable, does not amount to re-construction. No action can be initiated under the Karnataka Municipal Corporations Act. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/Uyv3EtyG6nQ9NXYvYpnhgZPiL>

Property derived by a female Hindu post the amendment to Section 6 of the Hindu Succession Act would become her absolute property and a coparcenary or joint family cannot be created by or under her. Karnataka High Court. (DB)

<https://dakshalegal.com/judgements/actionView/AHTV2tPS9suZ86WoR7nXVrtF0>

Karnataka Land Reforms Act, 1961. Proceedings under Sections 79A and 79B can NOT be initiated after the agricultural land is converted to non-agricultural purpose. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/pIMHXL87CNfV93WUZuZKIVQCj>

If possession of property is handed over before or subsequent to execution of document, stamp duty under Article 5(e)(i) of the Karnataka Stamp can NOT be levied. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/WmYThpM28DJ8YSrSev8msoKrI>

Land acquisition notification after 19 December 2013, the date on which the 2013 Act was notified to come into force on 1 January 2014, could be issued only under the 2013 Act and not under the 1894 Act. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/pnNSC5QZ6QfCBJSair4jKSN0j>

If possession of property is handed over before or subsequent to execution of document, stamp duty under Article 5(e)(i) of the Karnataka Stamp can NOT be levied. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/WmYThpM28DJ8YSrSev8msoKrI>

Workman cannot be dismissed without taking the approval of the Industrial Tribunal in terms of Section 33(2)(b) of the Industrial Disputes Act when proceedings are pending. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/Zz0Jz9ZQI6qNhl3OOq3kQSdi4>

Land acquisition. If compensation of some landowners is enhanced, other landowners under same notification are automatically entitled to enhanced Compensation. Duty of the State to notify all other landowners about the enhancement. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/GNGySBcAcV VuNMZq14dtnt4GN>

Trust registered under the Trust Act is entitled to get liquor license under the amended Karnataka Excise (Sale of Indian & Foreign Liquors) Rules, 1968. Karnataka High Court disposes Writ Petition challenging non-inclusion of Trusts.

<https://dakshalegal.com/judgements/actionView/5FZ6PKP5R9ybFsVoB5dFDMdRW>

Contract Labour (Regulation & Abolition) Act, 1970 & Rules 1971. Notification under Section 10(1) is not a pre-requisite for the Tribunal to decide matters relating to reinstatement or regularization of services of contract labour. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/wx1jqT0RqIlc4fHRZNeCR7zrG>

Proceedings under Section 79(A) & (B) of the Karnataka Land Reforms Act can NOT be initiated against purchaser of converted agricultural property. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/FbE5c913Jm3Il7axWRgSvVHbp>

Change of partners in a partnership concern holding excise license amounts to transfer of excise license. Authorities can cancel license for violation of condition against transfer of license. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/55RSxoygMeE8rPPNZk1UaV2Kb>

Suit for partition. Registration of a sale deed in respect of joint family property would amount to constructive notice to all members of the joint family SCST and the period of limitation

would commence from the date of such registration. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/5HpsEiKX16RiKmF5peIIqLKpk>

Labour Law. Dispute regarding termination can be raised before the Labour Court within whose jurisdiction the employee worked last and received the termination letter and not from the place of origin of termination letter. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/fXlAzntmj1dAs5hmcc9RgdTt2>

Cr.P.C. Sections 82 and 83. Even an agreement holder can challenge the attachment on the ground that he has an interest in the property provided the agreement is bonafide and not fraudulent. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/Ul11rUyBi6KzLsSCGm1GVrKA0>

In a suit for partition filed by woman against her father/brother based on amended Section 6 Hindu Succession Act, joint family properties given to her husband as dowry can also be included. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/yac9Tie4JwB5vLqBYkQQGcIny>

Labour Law. When workman files statutory appeal as also claim petition under section 10(4-A) of ID Act, in the event of either one of them being disposed, the other proceeding would become infructuous and required to be dismissed as such. Karnataka High Court

<https://dakshalegal.com/judgements/actionView/iG2Y2hVKJQ61HLgji3JVea3yU>

Claim made by a workmen for payment of minimum wages is not a dispute covered under Section 70 of Karnataka Co-operative Societies Act, 1959. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/zLrl3q4pyhtGseDqDn4mBryXr>

Motor Vehicle Act. Insurance company not limiting insurance policy till fitness certificate period can not escape liability on the ground that vehicle's fitness certificate lapsed on the date of accident. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/RjegwADtKvQbnHbHQaqiHpPN2>

Criminal Procedure Code. Section 93. Search warrant can be issued by the Magistrate without issuing a summons under Section 91. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/O5asl4ppbbQxINU0bNHAsaYFs>

Plaint in a suit for partition based on amended Section 6 of the Hindu Succession Act is liable to be rejected if there is clear admission in the plaint about registered partition of ancestral properties prior to the amendment. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/AqiH79AYRqh6uAL1goeyPue3D>

Once the Disabilities Act comes into force, Circulars cannot be relied on to downgrade the cadre as also to fix the pay-scale as per the downgraded cadre. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/tOb8b7Zlxd4xtFu2hYvsv5pNT>

Forcible, unauthorised, Illegal encroachment of private property by BDA. Karnataka High Court orders allotment of equivalent developed land to the owner. Imposes cost of 5 lakhs to be recovered from the officers at default.

<https://dakshalegal.com/judgements/actionView/SCjleBmmnga5F5in7edNyDeqJ>

Valuation of Suit. Suit for specific performance. Only value of the property shown in the agreement has to be considered for the purpose of jurisdiction. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/jiFI8QtucR4jGEld3bKYKFP1M>

Service Law. Premature transfer cannot be ordered simply because of the complaints against the public servant. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/cm3plwrf2A0cXpcuxRJQQqbIy>

Corporation carrying out perennial works through contractor employing Pourakarmikas. Karnataka High Court orders regularisation against sanctioned vacant posts.

<https://dakshalegal.com/judgements/actionView/WalfPR11rJYOMcublnw04swhN>

Digitization of Criminal Investigation. Karnataka High Court issues comprehensive directions.

<https://dakshalegal.com/judgements/actionView/1GMezHajQiB10bbbZwRzzV9oe>

In case of termination of an individual employee/workman by a individual notice, a dispute can be raised by such individual workman in terms of Section 10(4-A) of the ID Act. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/nSEZgRsqqu1gJnuBTKCJnuIrr>

POCSO Act. Increasing cases of minor girls above the age of 16 years having love/sexual relationship resulting in criminal prosecutions. Karnataka High Court asks Law Commission of India to rethink on the age criteria.

<https://dakshalegal.com/judgements/actionView/ofcIm3beRTfBW25AsdHqszJBB>

Digitalize the criminal investigation by videographing dying declaration and recording statements electronically with digital signatures. Karnataka High Court issues guidelines.

<https://dakshalegal.com/judgements/actionView/5YkwePBIXS4JQhxMxwiPrh8Cb>

Mischief by killing or maiming animals. Mens rea, animus or intention is required to be established to constitute offences under Section 428 or Section 429 of IPC. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/DQNuFFbQo5xmzvkJMbqCqm5w9L>

Legal Metrology (Packed Commodities) Rules, 2011. Compounding of an offence by one accused will not prevent the other accused from seeking quashment of the proceedings. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/O6ebbbxRZOAdYRHPjaxH5i2AT>

Mines And Minerals (Development And Regulation) Act, 1957. Geologist can initiate criminal proceedings under Mines and Minerals for the offences under the Act.

<https://dakshalegal.com/judgements/actionView/e5u4oU63V0Degg1klpeu0F5A>

Accident involving pet or animal does not attract the provisions of the Motor Vehicles Act or the Indian Penal Code. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/NcIKN2TRD2T8GJH4cJK18DNX2>

When a document is fabricated before the Sub-Registrar, bar under Section 195(1)(a)(i) Cr.P.C applies only to proceedings

under Section 177 and not under Sections 419, 420, 468 and 471, IPC. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/RnJeaWZqBHmNfrh4W8OieBWzi>

Arbitration and Conciliation Centre being run under the aegis of the High Court of Karnataka can appoint an Arbitrator if any of the parties individually or both the parties jointly were to approach the centre for such appointment. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/yJp8xzkv7KRvUcF4ImxebZWvr>

Legal Metrology (Packed Commodities) Rules, 2011. When liquid item is sold, the declaration in terms of weight/measures can be done either by weight or volume. Karnataka high Court.

<https://dakshalegal.com/judgements/actionView/QCpAbgVQTNqGI4xNjjCGT1t8c>

Refusal to pay cost of the arbitration by a party cannot be a ground not to appoint arbitrator if the other party is ready to pay entire arbitration cost. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/hlpgc3fQSUAkmrXVqxR6kcQze>

An absconder cannot claim benefit of default bail under Section 167 (2) Cr.P.C. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/o2ZF5wuxJCJHHBYB7pudKwzYL>

Even an employee on a contractual basis is entitled to provident fund. There is no requirement of a master-servant relationship with the master exercising supervision and control over the employee. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/76AUKKbA2igRzYDOe5ohDGv5Y>

evenac is not entitled for default bail under Section 167 (2) Cr.P.C. in the event of charge sheet having already been filed before his arrest. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/uleBUcyIptfoYgheWS5bbDJ4>

Gratuity is paid to safeguard financial security of a person at the time of retirement. Bank cannot adjust gratuity amount payable to its employee towards outstanding loan account. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/hgJPVdTYBoN4sJFB7JO37BxK6>

Merely because a client does not succeed in the matter and favourable orders were not passed in his favour, the client cannot make out a case that fraud and offence under Sections 406 and 420 of IPC has been committed by his Advocate. Karnataka High Court

<https://dakshalegal.com/judgements/actionView/xFLQ3NyVoLpXm3txgLujb0HhR>

Factories Act. Manufacture being per se hazardous does not make the establishment hazardous. The process of manufacture being hazardous for workmen of a particular age group is the relevant test. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/QTgcf5lwWpofmCefQ446pAcJL>

If a document has been fabricated for the purposes of usage in a Court and thereafter used in a Court, Section 195 of Cr.P.C. would come into play and only the Court can initiate the proceedings against the offender. Karnataka High Court.

<https://dakshalegal.com/judgements/actionView/aaREDjwUIMjGmIDPC2suIRX0c>

Compensation towards drawing high-tension electricity lines. Karnataka High Court approves fixation of 50% of the land value as compensation.

<https://dakshalegal.com/judgements/actionView/wVXfvURg9BXu3Q5U551UVOfC1>

Hindu Succession Act 1956. Karnataka amendment to Section 6 is applicable between 30:7:1994 to 8.9.2005. The Central amendment is applicable from 9:9:2005. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/QNgz3arjcTojBR2QicVhyrurJ>

Hindu Succession Act 1956. Section 14 does NOT apply when there is admission by the woman and evidence on record that the property was purchased in her name from out of joint family funds. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/Ug4MkJs2PofFAX3ZAdzUllxHH>

Financial moratorium. Writ against private banks to implement RBI Circular can be issued. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/cD6z4yZsD2wZh2JqTWLP2pWhF>

RTI. Candidate can seek evaluated answer scripts from Public Service Commission. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/qPeG8VvtKNVqYQBcj1WAqWa2M>

Information Technology Act. An intermediary or its directors and officers are not liable for any action or inaction on part of seller making use of facilities provided by the intermediary in terms of a website or market place. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/jEvxF66Q30p05bi3KBRNLPNz5>

Bhoodan and Vidyadan Scheme. Owner cannot seek return of land once gifted. He can only seek direction for proper utilization of the land. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/aT9HHz3NCOPhoruTXt9hpG5rK>

Companies Act 2013. Except the Registrar Shareholder and Official Liquidator no other person can initiate any criminal proceedings against a company for the offences under the Act. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/cj7OKu6i3a2K7KVsgenFfYqj>

Director appointed by a Venture Capital Company can be prosecuted as regards criminal offences alleged against the company where investment is made. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/blonvXGY6KOXPCFXa8etlqoJ4>

Income Tax Act. All the Directors of the Company cannot be automatically prosecuted for any violation of the Income Tax Act. There has to be specific allegations made against each of the Directors who is intended to be prosecuted. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/FkYliWXpOPPwh1zBmyJ5xZUbl>

Educational Institutions. Property tax exemption would also apply to persons who have leased the property for educational purposes. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/k9KgiuRLk69mv62S389rvi7Es>

Educational Institutions. Property tax exemption is available even to any land or building used for the purpose of educational institution or incidental thereto such as bank canteen and staff quarters. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/aneO4s04YSQSYpLCaq9fmllZs>

Prevention of Money Laundering Act 2002. Investigating-arresting Officer must inform and provide copy of arrest order and grounds of arrest to the person being arrested. Mere oral information would not be sufficient. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/26EhqxuXfwUtQkvfc6sASu3Rs>

SC/ST Prevention of Atrocities Act, 1989. High Court can NOT entertain bail petition under Section 438 & 439 Cr.P.C. Remedy against grant or refusal of bail by the Special Court is appeal to High Court under Section 14A. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/gSAIPVnSabl0SZqtoYw2EtTWX>

Arbitration and Conciliation Act 1996. Manner of deciding petition under Section 34 explained. Guidelines laid down. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/VXu0nMUmTIDSrCBt86Ctn3Zfm>

Local bodies. Consequences of conversion of Town Municipal Area into a City Municipal Area and absorption of Panchayat into newly constituted City Municipal Council explained. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/y9D1XK7SGyn5m12lffLMrJ7jg>

Income Tax Act, 1961. Section 80JJAA. Deduction in respect of employment of new workmen. Calendar year and not financial year is to be considered to compute completion of 300 days by the workmen. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/iFchyy2s5QYRoHCM4U5ASfFyq>

Land acquisition. Determination and enhancement of compensation by reference court being a judicial exercise, benefit of the same should be made available even to those who did not approach the Court. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/h9tu5Qtej4UF6cQKMJyKcwT9>

'Total non application of mind'. Karnataka High Court quashes consent for establishment issued by Karnataka State Pollution Control Board for Karwar Port Expansion Project. Orders fresh exercise.(DB)

<https://www.dakshalegal.com/judgements/actionView/JKrWNHcEhMqecS3MyxKVJpWAa>

'No instrumentality of the State or any litigant has a right to say that the order of the Court will not be complied with only because an ordinary copy of the order is supplied or that a certified copy is not supplied.' Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/vkcMN3cMlvhEb9kk8sFLR1iMR>

Buildings used for the purpose of running educational institution and/or incidental activity are exempted from payment of property tax under the Karnataka Municipalities Act even without making application seeking exemption. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/mvYVR5UfeY1VNeySCa05X9stT>

Challenge to an award passed in an International Commercial Arbitration can be made before Commercial Division of a Single Judge Bench of the High Court. Karnataka High Court. (DB)

<https://www.dakshalegal.com/judgements/actionView/ydIEhdAvEPjpvqlX5tTzMfG2N>

POCSO Act. Investigation Officer shall inform victim's parents and legal counsel about bail application or any other application by the accused or the prosecution in the proceedings. Karnataka High Court. (DB)

<https://www.dakshalegal.com/judgements/actionView/iAvMROnGOkA8mV6bNXWIqKbsB>

Defendant whose written statement taken as not filed and on dismissal of his application under Section 8(1) of the Arbitration and Conciliation Act can not seek permission to file written statement. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/vxsqepFIwum51fwGWMPjGzxsG>

Court can record compromise among parties even after auction of subject property is completed since successful auction

purchaser has no vested right till sale certificate is issued in his favour. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/lyQiVzAZV3HscHkrWvRvzudyz>

"Store information in electronic form and furnish upon receipt of application under the RTI Act at the earliest". Karnataka High Court directs Government of Karnataka.

<https://www.dakshalegal.com/judgements/actionView/uMP4Xrt28mePnSQ5SrYwood8G>

"Issue notice well in advance giving sufficient time to the assessee to furnish documents". Karnataka High Court directs Income Tax Department.

<https://www.dakshalegal.com/judgements/actionView/vhKxpR3IORBuE0iy1M9QNwdvC>

Mere presentation of plaint without court fee does not amount to 'filing of suit'. By the time court fee is paid, if limitation runs out, suit is liable to be dismissed. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/CTrkmpnEv79B8p7cUgp8hk0X>

Police can NOT conduct preliminary enquiry when information disclosing commission of cognizable offence is received. Police can initiate such enquiry only after registering FIR. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/8h07KB8PcJbDdbCRnDil7P1pM>

Defendant can seek injunction against plaintiff only under Order 39 Rule 1(a). He has no right to seek such injunction under Order 39 Rule (b) and (c). Karnataka High Court reiterates.

<https://www.dakshalegal.com/judgements/actionView/KKp8EDmF92cGCxcgYsLmzxgNC>

If roster is not followed for the post of Mayor and Deputy Mayor of a local body in an election, persons belonging to that category

must be accommodated in the next election. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/2uEN9KpBkAZZUEXVxaPZmoH7L>

Impounding of entire sale agreement in a suit for specific performance for non payment of stamp duty is mandatory even though the suit is confined only one of several properties. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/71NIXV9US9odaH2ED4z76OR75>

When a compromise is filed before the Court, only that Court must record the compromise. The matter cannot be referred to the Lok- Adalat. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/1obqnJNsIJJaZU6EAFfNcJuqNI>

Plaintiff in a suit cannot array defendant as represented by GPA holder with address of the said GPA holder without showing address of the defendant. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/eJRnoBIUt7Uc9PqpjhvDrfT7T>

Appellate Court cannot decide criminal appeal before it by taking into account evidence recorded in another case even though it might be a cross-case or a counter case. Karnataka High Court issues exhaustive guidelines.

<https://www.dakshalegal.com/judgements/actionView/bhsWrPRyYV9oCFkTORI6nzBkw>

Electricity companies must insure power lines and equipments against any act of nature and claims arising out of electrocution of persons or destruction of crops. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/e9SXxIKBjHQHjt0526RH3MMvI>

Call received on Police helpline disclosing cognizable offence shall also be considered as information for registering FIR. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/XIPFvXgaMiS0mz860jIB9Ppm8>

One of the parties to a contract cannot delay appointment of Arbitrator by adopting multi-layered methodology to be gone through by the other party before invocation of Arbitration clause. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/d8Zi5C9RSqXLRzxZL3D5z8JOP>

Grant of compensation towards loss due to erection of towers and drawing electricity lines based on sale price of adjacent land is correct. Law Commission must suggest payment of suitable compensation. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/K5RFC1UK4Gas1UkCbKegfJtm>

Allottee of a civic amenity site is not barred from seeking allotment of adjacent civic amenity site for expansion. Authority must consider the applications transparently. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/K7G2LWQUVCURwvuuRxbYYFgL3>

"Train the Officers exercising quasi-judicial powers to write proper orders instead of adopting copy and paste method". Karnataka High Court directs the State Government.

<https://www.dakshalegal.com/judgements/actionView/xwB09xvwGC4Wh6jh4wHfSPptb>

"Upload and update contact details of persons in-charge of litigation in the local bodies on the official websites for the effective service of court notices". Karnataka High Court directs the Principal Secretary to Govt.

<https://www.dakshalegal.com/judgements/actionView/VCxJvboAZIxIGNYJbhiOsy30P>

Even if the plaintiff has not sought a relief of possession in a suit for specific performance, the Execution Court can issue a delivery warrant directing the Judgment debtor to handover possession of the property. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/wbF5uYyvwQ0dUAb4JzVpgK1Nn>

“Only under extreme circumstances handcuffing of an accused can be resorted to.” Karnataka High Court orders compensation of Rs. 2 lakhs to law student who was illegally handcuffed by the Police.

<https://www.dakshalegal.com/judgements/actionView/aE4xH4QeLcW7M2QNdnvSDZZmD>

Labour Law. Dispute regarding termination can be raised before the Labour Court within whose jurisdiction the employee worked last and received the termination letter and not from the place of origin of termination letter. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/fXlAzntmj1dAs5hmcc9RgdTt2>

Public duty is cast on the Municipal authorities to safeguard the citizens from attack of street dogs. Karnataka High Court issues exhaustive directions/guidelines. Orders Rs. 10 lakhs compensation to the father of the child killed by street dogs.

<https://www.dakshalegal.com/judgements/actionView/kmJhJneiDuB4W5bsr500Do7HH>

Land acquisition compensation must be paid in the event of any enhancement granted to another land loser under the same notification. Karnataka High Court deprecates delay in considering applications of landowners.

<https://www.dakshalegal.com/judgements/actionView/p89aV1P1wXERsdpdOVjxALAX8>

Set up e-office system and information technology tools to monitor applications/representations and to dispose them at the earliest. Karnataka High Court directs BDA.

<https://www.dakshalegal.com/judgements/actionView/60EQaB11g2ZHx0yJHWCzLkTHu>

Demarcation of land in the Master Plan for road widening would not vest the land with the State/BDA. State/BDA cannot seek relinquishment of such land as a pre-condition for plan sanction without paying compensation. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/XhYTpELz2xeZ9VXzPM70h8atz>

Lapse of scheme under the BDA Act. Dismissal of earlier writ petition for want of particulars does not preclude fresh writ petition with additional material/grounds. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/LnaQXLGhAWji5TrBHvtqQJbDN>

Compensation and resettlement methodology as determinable under the land acquisition Act of 2013 is applicable to the acquisition made under National Highways Act. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/HHSZLUlfi8fvzYQzOofxbSggS>

Lapse of Scheme under the Bangalore Development Authority Act would invalidate designation of property as a civic amenity and all further actions taken in connection thereto. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/oF7iSma gQ0G5shP1WhT6axTit>

Acquisition under the BDA Act. Land loser can choose compensation in the form of land or site instead of cash anytime before he actually withdraws the cash compensation. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/sadebFR7IJ1FZY4JMm96uqeRX>

Winding up proceedings can continue even after payment of principal amount if contractual, crystallized and admitted

interest on the principal amount is not paid. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/GpTG7aFQm2jUbeHTGoKgX3JyD>

'Arresting Officer Must Ascertain Identity of the person'. Karnataka High Court orders Rs. 5 lakhs compensation to man wrongly arrested.

<https://www.dakshalegal.com/judgements/actionView/XWXEHhOrVMIRusO5AIToghnzX>

Foreign award in respect of parties situated outside India can be executed in India if property of the award debtor is situated within India Karnataka High Court. (DB)

<https://www.dakshalegal.com/judgements/actionView/OjhAut7rHOC8fUfAzJXm3pEPL>

RERA Act prevails over the Arbitration and Conciliation Act. When proceedings are already initiated before the RERA Authority, application for appointment of Arbitrator to decide the same dispute cannot be entertained. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/XIJGt0eQgx2m1OUNiqIX8DVMW>

Though there is no bar for appointment of former employee as an arbitrator, if there are justifiable doubts regarding his impartiality, Court can refuse to appoint him as arbitrator. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/2gJ3gvv6U6E0BRPtMKgasNGJr>

When an arbitration agreement binds only one of the several persons who are parties to a dispute, the cause of action cannot be split. Arbitrator cannot be appointed in such circumstances. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/ri0DGBScVJG1imzLLwxHt9XyA>

When grievance is against Company for dishonest misappropriation of property, it is necessary to make the

Company accused in the criminal proceedings under Section 403 IPC. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/IUmzMP6rHGFukATdyMH33I106>

Payment of land acquisition compensation cannot be delayed on the ground that there is a dispute pending between the acquiring body and the Income Tax Department. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/b4IYcpZrAkRa8KXMcfFI0aVcp>

Amount deducted under Section 194-LA of the Income Tax Act from and out of land acquisition compensation also forms part of compensation payable to owner. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/Xjxc3ipbs3iU8UMEOPKgpw5sh>

Compensation towards drawing high-tension electricity lines. Karnataka High Court approves fixation of 50% of the land value as compensation.

<https://www.dakshalegal.com/judgements/actionView/wVXfvURg9BXu3Q5U551UVOfC1>

"Conduct of party in participating in arbitral proceedings and then blaming the arbitrator is against the basic notion of justice". Karnataka High Court imposes cost of Rs. 5 lakhs on ITI Limited.

<https://www.dakshalegal.com/judgements/actionView/WaHqrNhZLpaJ39MG2hZVpZxqi>

Mere pendency of writ petition or writ appeal or SLP will not extend time to pass award under the Land Acquisition Act unless interim orders prevented passing of the award. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/2qLLNKXeimyGPX2HXzACMrgkW>

A proprietary concern is not required to be arrayed as a separate party in a proceeding under Section 138 of the Negotiable Instruments Act. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/d9UvCQ78agpSgKW0UWzT2XTfE>

Accused is not entitled for default bail under Section 167 (2) Cr.P.C. in the event of charge sheet having already been filed before his arrest. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/uIeBUcyIiptfoYgheWS5bbDJ4>

Once the Disabilities Act comes into force, Circulars cannot be relied on to downgrade the cadre as also to fix the pay-scale as per the downgraded cadre. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/tOb8b7Zlxd4xtFu2hYvsv5pNT>

Cr.P.C. Sections 82 and 83. Even an agreement holder can challenge the attachment on the ground that he has an interest in the property provided the agreement is bonafide and not fraudulent. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/UI11rUyBi6KzLsSCGm1GVrKA0>

Prohibition of transfer under the Karnataka SC/ST PTCL Act do not apply to auction sale of property by Banks including Co-operative Society and Cooperative Bank towards loan recovery. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/b27QRqUIi5iMuyhkCvaGMOJOZ>

BBMP property tax on Educational Institutions. Karnataka High Court strikes down the Government Circular and BBMP tax demand in view of the amendment.

<https://www.dakshalegal.com/judgements/actionView/gxh1h4dhrlyqtVeoFkvieyqXe>

Planning Authority insisting for surrender of land free of cost for national highway at the time of plan sanction amounts to extortion and cannot be sustained. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/c1q8BVVrcyaO86kWopM722UdW>

Building plan sanctioned under Master Plan cannot be invalidated because of the subsequent withdrawal of the Master Plan. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/OWAz40ZMu1AShjrLR08sEvWxq>

Urban Development Authority cannot demand surrender of land free of cost when the owner applies for building plan and khatha. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/o8sy8kdDWCT41EZrnXpH91nqY>

Urban Planning. BBMP cannot refuse to maintain passage/street on the ground that the said passage/street has not been handed over to the BBMP under a relinquishment deed. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/RE96IzhihbgoHf6jHXXtthsO6>

Tenants of Municipal Corporation cannot claim equity on the basis of long standing usage of the premises so as to be allotted shops in newly constructed building without going to the process of auction. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/RiD9f6djTtKgZlnMnLn9uTC1>

Labour Law. Under Section 33(c)(2) of the Industrial Dispute Act, Labour Court can determine employer and employee relationship, amounts due to workman and direct the payment thereof. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/3uk2RoV5nA4B51dT1aXxgKhzy>

Industrial Disputes Act. Consequential benefits upon reinstatement include earned leave and encashment of earned leave. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/DHPBTp qD5C6Vubg3udN1ihz9q>

Electricity Act, 2003. Karnataka High Court directs e-filing, e-appearance and other e-services to be made available by all national tribunals within 6 months.

<https://www.dakshalegal.com/judgements/actionView/F6iyGbO jLdxbLcj8slF457Umf>

State Electricity Regulation Commission has no power to regulate inter-State power transmission since it falls only within the domain of the Central Electricity Regulation Commission. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/3qChUR 2HBRq1rweTkymaDUMjJ>

Property Tax. Residential property used for running Advocate's office cannot be assessed as commercial property if it falls within the exemption under Section 3 (1) (e) of Karnataka Shops and Establishments Act. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/FB4P55 Ocv8Pykf3MJESmRQ8T3>

"Award of death sentence must be preceded by psychological and physiological evaluation, examination of early and present family background, history of violence and criminal antecedent of the accused". Karnataka High Court lays down guidelines. (DB)

<https://www.dakshalegal.com/judgements/actionView/CnTjcxvj 8LaFUdIlC6XfZItbz>

Deemed conversion of land under Section 95(2) of the Karnataka Land Revenue Act, 1964 shall be strictly adhered to by the officers when the objections raised are complied with. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/olKmph 8RJnAmLrGQ0U1ZTemAE>

Ancestral property fallen to the share of father in a family partition among his father and brothers cannot be claimed by his son since the property so allocated to his share becomes his exclusive property. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/HbotLMcNTO8Wp0nICcnKwmELb>

Karnataka Private Educational Institutions (Discipline and Control) Rules 1978 continue to be in force even after coming into force of the Karnataka Education Act, 1983 and govern the disciplinary proceedings initiated. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/7FEidRx8KemclTvRUkBvNeBbO>

A party seeking to lead evidence through a general or special power of attorney need not make a separate application seeking permission to lead such evidence in the matter. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/12EGuXi5ut7xtwq1IStuRI4dS>

Labour Law. Once domestic enquiry is held to be not proper or fair, employer can lead further evidence to establish the delinquency of the workman unless such evidence has already been led before the Labour Court. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/n7bs6KJgjmtY4T0skj37DXAL1>

Karnataka Societies Registration Act. Merely because third party were to submit complaint, the Registrar cannot initiate an enquiry under Section 25 without application of his mind. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/Ymx21hBfRrzIhSRLESQGuPXpn>

All lands, agricultural and non-agricultural, acquired under the land acquisition Act of 2013 are exempted from payment of Income Tax. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/yPuKvK9h7vl81qi7sHBpzpgye>

Suit for partition. Once a Plaintiff contends that he has separated from the joint family, properties bought subsequent to the said separation cannot be included in the suit for partition filed subsequently. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/PIRAY4tSkUxJgSCmDcrmBR3zi>

Failure to declare assets and liabilities. Defaulting member of a Gram Panchayat need not to be issued a show cause notice or be heard before removal from the office. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/Qn3Uex5wszRHdFvkCmkuMtj7w>

When complaint and counter complaint are filed making identical allegations, accused in one complaint cannot seek quashment of the complaint on the ground that the allegations are civil in nature. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/iokbpxrd5tM6JBqLzA2gCdeLz>

Public charitable trust need not obtain permission from the jurisdictional District Court in order to file suit against a third party. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/mlKpgJxWTpaOmStJsbvHPCWw2>

Reservation of posts in excess of 50% to SC and ST category under the Karnataka Gram Swaraj and Panchayat Raj Act is not ultravires the Act. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/1jnOkBRKxRjnD9rzfIkVEphBc>

Karnataka Gram Swaraj and Panchayat Raj Act. Period of 30 months for Adhyaksha/Upadhyakshah has to be calculated from the date of result of the election. The delay in holding the first meeting would not add any period to their term. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/qIYG9MvnhrKGNPFi8Mwk3aLHN>

Karnataka Gram Swaraj and Panchayath Raj Act. Holding contractor's licence under the GESCOM/KPTCL amounts to an 'office of profit'. Such person is disqualified from contesting election. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/iX9V67xvV6I31kcHSCOON4Gsp>

Suit for partition. Appointment of court commissioner during the proceedings to find out the existence of building etc would be unnecessary since such an exercise can be undertaken at the time of final decree proceedings. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/Gv6nzDwCjONuIEab4W705csLn>

Workmen's Compensation Act. Mere deposit of award amount with interest before the appellate court while challenging the award will not absolve the appellant from paying interest till the realisation of the award. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/ikuzU0tyzhiI2SYz2fmlozLop>

Anti-Corruption Law & Service Rules. Borrowing authority can entrust an enquiry to the Lokayukta without obtaining prior permission/ approval of the lending authority. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/g8NCQz0qsqNjcen9Fe9a7HfaR>

Registration of FIRs. Karnataka High Court directs DGP to issue Circular to all Station House Officers to follow directions issued in Lalita Kumari's case. Circular to indicate disciplinary proceedings in case of lapse.

<https://www.dakshalegal.com/judgements/actionView/DmAM6InkRrD94MZfWeKNWWgme>

Karnataka High Court directs integration of Police IT with Road Accident Data Base, Forensic Laboratory Management System, Insurance Companies and Transport Department for the effective redressal of motor vehicle accident victims.

<https://www.dakshalegal.com/judgements/actionView/rT5ZYR3AlyIQgBhKCpFQeTBG3>

Application for Parole cannot be rejected merely because an appeal against conviction is pending. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/x74kUn8Z2w1StEOqBcj6Xi1QW>

Election Petition without arraigning all the candidates to an election in an election petition where a declaration of the petitioner to be a returned candidate is sought for is liable to be dismissed. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/8mGbeOQbjVILSk1280guJbRJm>

Election Law. Non-disclosure or suppression of the assets of the candidate or his his/her spouse in his nomination amounts to corrupt practice. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/EdQ5MC TPQqi2QJ6egWiIXbNQZ>

Road Transport Corporation. Section 33 (2) (b) of the Industrial Disputes Act is required to be complied with only if punishment of discharge or dismissal is made and not in respect of other punishments. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/hW906XJVFCSPGWIMrJqANzZcA>

Mere demarcation of land in the Master Plan for road widening would not amount to acquisition. State can either acquire the land by paying compensation or return it to owner. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/autaD88HrnnDNQVfofHObBbZy>

"Living person cannot be deprived of a benefit of a death certificate of a person who is dead". Karnataka High Courts directs BBMP to issue death certificate of employee washed away in heavy rain while working in a stormwater drain.

<https://www.dakshalegal.com/judgements/actionView/DSG7ggbLrxrKxIcNusZybcUpg>

Karnataka Land Revenue Rules. Once a sale deed is registered Sub-Registrar shall forward details within thirty days to Tahsildar and Tahsildar is bound to make entries in Mutation Register. Parties need not do anything in this regard. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/bn8l7m5WVNQBdEjwE0VnrnJLr>

Urban Land Ceiling (Repeal) Act, 1999. Merely on the basis of deemed vesting the State cannot take over land when the proceedings under ULC Act for vesting of land has not been completed by taking actual possession of the land. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/y9UdFtPvzEdtAHf7094ZVnHIC>

Child on attaining majority can seek his/her name to be incorporated in the Birth Certificate. The Corporation cannot reject such plea on the ground of delay. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/Hwy6fsgTpn4qlpLPqkZ2krgRp>

Poultry farm activity on agricultural land is not a commercial activity and hence Panchayat cannot levy tax. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/75PQmCQAgUbex3bvnbauyMO9E>

Karnataka Municipal Corporations Act, 1976. Without the issuance of a notice under Section 321 (1) a Confirmatory Order cannot be passed under Section 321 (3) based only on the notice under Section 308. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/mBDhfKhdWw8JFqA5cZYs45ngm>

Except on sufficient grounds, Commercial Court cannot permit a party to lead fresh evidence after the matter is posted for arguments and when the witness was not named in the list of witnesses and affidavit was not filed. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/eLSm0gVNIC6MNU0YirZE0Bg49>

Public Works Department cannot permit construction on the road margin on a State Highway or a Major Highway. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/9eyf8EaBaDmhta0JzQN2JIMaN>

Karnataka State Dispute Resolution Policy, 2021. Inter-departmental disputes can be adjudicated before the Interdepartmental Dispute Redressal Committee even after the dispute has arisen. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/z7dCz2WKYcDcnWZmiGkTDO5A>

Arbitration clause in a Government contract or civil remedy is not a bar for the High Court to exercise jurisdiction if the payment is arbitrarily withheld. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/Ah0koSyYA6I9I8YD44NTf1JQa>

Property classified as 'commercial axes' can be used for commercial purposes though the property is situated in a residential layout. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/gB2vLKZXGAQLJU6kV7ufNzzAF>

Person elected from General Category to a Gram Panchayath as a Member can at a later point of time contest for the post of Adhyaksha and Upadhyaksha in a reserved category so long as he belongs to such reserved category. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/NKz5E1nQN40CFiJh7hKdQiJin>

MUDA. Successive applications made for site though of different measurements shall be taken into consideration for determining the seniority for the purpose of allotment of site. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/EvhB2ZBNg5ACDpLwQZccCenIv>

Karnataka Land Reforms Act. Proceedings under Section 79(A) & (B) cannot be initiated against a person who has purchased converted property after following necessary procedure under Section 95. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/nSxYTD1CZKwSwunyjbkX6849>

New document cannot be produced in a Final Decree Proceedings which would have the effect of re-deciding the rights between the parties already decided in a preliminary decree. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/BWs32w2EQQAr6a9jasNqkJdXX>

Civil Court has no power to modify or rectify the details of the property granted under the Karnataka Inams Abolition Act by the Special Deputy Commissioner. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/cMAmncK4BiO3tBqdNhPdiM3x2>

Gram Panchayat. Protection against no-confidence motion against president/VP who assume office after resignation, disqualification or death of the first elected President/VP would not go beyond earlier incumbents' period. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/pewruNgw5VG9k786AbDTPfdTn>

BBMP has no power to enquire into an allegation of encroachment simpliciter unless the encroachment is in violation of sanctioned plan. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/0U8IF9N8175xZ1BHLInGklg98>

Municipal Corporation can levy property tax only from the date of issuance of Occupancy Certificate. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/28QELUo4s7JFSlhKJz9hwnGeW>

Statutory body cannot deny processing of bills submitted by a contractor on the ground that the documents have been seized

by the Lokayukta and/or in the custody of a Court. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/Y2YNjzJheOk07P9Gp02ULbDo8>

Layout owners are entitled for TDR in respect of land used for widening of the existing CDP road laying outside or in the periphery of the layout. Compensation is not payable only in respect of internal roads. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/B2dCUEuEVG2drilBKoRtY4Kp5>

Wakf Act. When the title is in dispute, Wakf Board cannot initiate proceedings under the Public Premises Act without approaching the Wakf Tribunal under Section 83. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/jv4gAFLiWkE6kyI1uD52ADakb>

When a portion of private property is earmarked for road widening in the Master Plan under the Karnataka Town and Country Planning Act, the landowner is entitled for compensation. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/RckbkJ55p2ry6qJ6lWxaF8MIZ>

Cantonment Act. Prior permission is required to be obtained for sale/purchase of a property in a cantonment which is entered in the General Land Register. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/cBTxJy8L8uOCNKMV4kr3pIpHl>

Finance Act. Statutory body availing services of an agency to render computer education to persons belonging to economically weaker section, by making payments to the agency, is liable to pay service tax. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/La62ryaTC02CE8xxZ1nmY1P9d>

Order under the Karnataka Land Revenue Act to resume lands from the alleged encroachers must be preceded by drawing up of mahazar, preparation of survey sketch and application of mind. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/sXIDwW7kI39QkPsPYdcHKjPdW>

KT&CP Act. Land earmarked in the Master Plan for parks etc must be acquired by paying compensation else the earmarking will lapse after five years enabling the landowner to use the land. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/DaG8meT3ubxztPFUOQwljP5KG>

Agricultural land coming within the jurisdiction of Municipal Council/Corporation does not require conversion under the Karnataka Land Revenue Act. There is deemed conversion of such land for non-agricultural purposes. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/4nyM869EmokYIoLse5vYxo9AC>

Area earmarked for road widening in a Master Plan under Section 12 (1) (b) of the Karnataka Town and Country Planning Act cannot be taken over by the Planning Authority without paying compensation to the owner. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/jK3IRQu4C4GuKKCizJBMOKq38>

Karnataka Sakala Services 2011. Application for transfer of khatha must be processed within 30 days from the date of the application either accepting or rejecting the same. Rejection shall be by way of a reasoned order. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/o4lI83Ohqp2pbDUKfAdT2hO7P>

Name of Wakf Board in respect of land already standing in the name of a person cannot be entered on mere request by the Board without following the procedure under the Karnataka Land Revenue Act and the Wakf Act. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/XkWwu1Op4m0XU432DyDEp07Su>

If Zonal Regulations do not prescribe Buffer Zone, Corporation or Urban Development Authority cannot unilaterally fix a Buffer Zone and direct a private citizen to maintain it in his property. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/VDDwICWak1Ay7MrtPGy9TtqOv>

Provisional Order under Section 321 (1) of the Karnataka Municipal Corporations Act cannot be passed merely stating that the construction is illegal without detailing the illegality. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/k8Unvu e1hJkFE5IzJp1ucha11>

Person disqualified under the Karnataka Local Authorities (Prohibition of Defection) Act can contest by-election. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/F5ibKrfp mNY3rIG9NY0HCI0IQ>

Karnataka Gram Swaraj and Panchayath Raj Act. Nomination form by candidate must disclose all criminal proceedings against him even when the proceedings are quashed or he is acquitted. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/AkuPIQI w5Scu3W7aIBsln4AJa>

Karnataka Land Revenue Act. Deemed conversion of land under Section 95(5) would apply not only to regular agricultural land,

but also to the lands purchased after obtaining permission under Section 109. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/xxNnLXqhIh2iRaYKqvQNbFziC>

Entry in encumbrance certificate. Unless the registered document is set aside or cancelled, entry in the encumbrance certificate cannot be cancelled or deleted by the Sub Registrar. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/M7q6zIs mryqa62lRVEWm7qv1b>

Registration Act. There is no requirement for the Sub-Registrar to ascertain identity of the person presenting the document going beyond the identity card and/or the persons identifying the executant. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/pR9skJtJDbgByvkfl69wYHDOO>

Property allotted in a family partition does not come within the purview of Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/VLS49kYDCAZMgyJpNZpbske4S>

Lands granted to persons belonging to SC/ST under the Karnataka Land Grant Rules do not come within the purview of Karnataka SC/ST (Prohibition of Transfer of Certain Lands) Act. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/KobtGd2zZKAVfEcegDXG5FAbA>

On the expiry of a lease/license executed by the Corporation/Municipality, the tenants/licensees cannot be forcibly evicted from the shops/commercial property without due process of law. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/8sSiowFLwWalqcbSpBvkOV7x>

Arbitration and Conciliation Act. Benefit of extended limitation to challenge award is available only if the application filed under Section 33 falls within the parameters of the Section. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/yaA54YPkT9J9rKjhld4s8B8pU>

Religious Mutt or temple attached to or managed by the Mutt is outside the purview of Karnataka Hindu Religious Institutions and Charitable Endowments Act. Assistant Commissioner has no power to conduct enquiry. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/m1nCr553wcSRa01ZvuUlxVHpl>

"Officers of the Corporation acted in malafide and illegal manner in demolishing the property". Karnataka High Court orders enquiry against the officers while awarding compensation to the owner of the demolished property.

<https://www.dakshalegal.com/judgements/actionView/NfFikY6JQOfZEEz1FFciwSmRW>

Defendant cannot seek injunction restraining the plaintiff from interfering with his possession over the suit schedule property. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/HWZkiCFcaJbsV4IF7p5Vnpcap>

Karnataka Co-operative Societies Act. Delegation once made by a co-operative society for the purposes of election of a union/federal society, can be changed subsequently on a board resolution being passed. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/431c771b4536b77ada9a5237>

An officer of the State being required to abide by the orders of Courts and Tribunals, if there is an order of such Court and Tribunal restraining the officer from performing any particular action, the non-performance thereof cannot be said to be a dereliction of duty. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/287b8c621510a7885c6aac9f>

Enquiry into the constitution, working and financial condition of a co-operative society. Registrar continues to have supervisory power over the enquiry officer appointed by him as also have the right to reject the report submitted and direct fresh enquiry. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/fb520284c431270b4385ee1a>

A Government entity, like the Road Transport Corporation, cannot take two contradictory stands as a model litigant. Contending that a driver was driving properly while simultaneously initiating proceedings for rash and negligent driving alleging misconduct is not permissible. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/e35a1a186153932db2ba35f8>

Test. Eligibility under Clause 5 of the Order of 1992 is a prerequisite for granting priority under Clause 6 of the Order. Priority for granting authorization can only be considered after the eligibility criteria under Clause 5 are satisfied. In areas where there are no zoning regulations, a residential premise can be considered a suitable business premise for the purpose of granting authorization to run a Fair Price Depot. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/347f0f2bf786cbfb9bb2f390>

Test. Eligibility under Clause 5 of the Order of 1992 is a prerequisite for granting priority under Clause 6 of the Order. Priority for granting authorization can only be considered after the eligibility criteria under Clause 5 are satisfied. In areas where there are no zoning regulations, a residential premise can be considered a suitable business premise for the purpose of granting authorization to run a Fair Price Depot. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/e3e91cc03cc3bcbceae4077a>

A person born in a caste which is not notified as a SC or ST in one State cannot claim the benefit, upon migration to another State, wherein that caste or community is notified as SC or ST. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/c3532eec724164e924058957>

Caste verification. Appellate Authority can be regarded as 'Functus Officio' only after an order on merits is passed. If no order on merits is passed and the appeal is withdrawn, it cannot be said that the Appellate Authority is rendered 'Functus Officio'. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/ec9841a6810ff893569d81c5>

Bombay Tenancy and Agriculture Lands Act. A subsequent purchaser cannot set up a claim of surrender of tenancy to the landlord in terms of Subsection (3) of Section 5. It is for the landlord to have set up such a surrender and established the same. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/7ea6a2d91cf4b2942b3321ad>

Companies Act. Sale of property by Company in liquidation, post the commencement of the winding up proceedings, is statutorily void and the same cannot be validated by the Company Court. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/ba7810c3674c06d17682de51>

When conciliation process fails, Micro and Small Enterprises Facilitation Council cannot straightaway pass an award without referring the matter to arbitration. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/473341bd4b370d5cd1377d3c>

Karnataka Land Reforms Act. A declaration of private land as government property under Section 38A is invalid if issued without serving notice to landowners and verifying revenue records. If the government requires land for public use, it must follow proper acquisition procedures and compensate landowners. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/6e7ed794681b092688bf4267>

Karnataka Land Revenue Act. There is no minimum land extent for conversion from agricultural to non-agricultural use. Any such restriction imposed by revenue authorities is arbitrary and unlawful. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/6a2b446440c963ae18adda55>

Karnataka Cooperative Societies Act. A re-audit under Section 63(10) does not preclude an inquiry under Section 64, as they serve different purposes. The Registrar's statutory power to initiate an inquiry into the constitution, working, and financial condition of a cooperative society cannot be interdicted unless there is a clear case of procedural irregularity or mala fide intent. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/f591ed885645e101aefbe9d0>

When agricultural land is converted for non-agricultural purposes, no encumbrance certificate is issued in respect of the

said converted land post such conversion. The fact of conversion shall be made in the revenue records. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/e34767354080fbc8d6d5ae66>

Karnataka Municipalities (President & Vice-President) Election Rules. The requirement of seven days' prior notice for elections does not mandate exclusion of the first and last days under the General Clauses Act. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/56876c98c91ddead3bb69fd2>

Karnataka Stamp Act. Recovery of unpaid or short-paid stamp duty must be initiated within five years from the date of document registration. In cases of fraud, collusion, or willful misstatement, the period extends to ten years. Any proceedings initiated beyond these limitation periods are barred by law and cannot be enforced. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/8833d4f72d5a3f942c2b6f91>

Resjudicata. A change in law on account of subsequent judgment of a constitutional court will override an earlier order passed thereby making the principles of resjudicata inapplicable. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/49548daee2ca377337b2a788>

Karnataka Panchayat Raj Act. Members of the Grama Panchayat can move a motion for no-confidence against either the Adhyaksha or Upadhyaksha or both of them by a single requisition notice. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/12fd2f05bd899496661fb95f>

A registered owner cannot be restrained from dealing with his property. The doctrine of lis pendens under Section 52 of the

Transfer of Property Act applies to protect the plaintiffs' interest, making an injunction against alienation unnecessary. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/0a451bd1c87c0438b23f2e82>

Hindu Succession Act. A registered partition executed and acted upon prior to coming into force of the amendment to Section 6 of the Hindu Succession Act, 1956 would be saved requiring the plaint in a suit for partition rejected under Order VII Rule 11 of CPC. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/48db4b8b47072141c89f106c>

Indian Succession Act. In probate revocation proceedings, transposition of necessary parties is permissible. Limitation in such cases is a mixed question of law and fact and must be determined at the stage of final adjudication rather than during transposition. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/fe361b2bf770853e84146f99>

Caste verification committees are the final fact-finding authorities, and judicial review is limited to cases of procedural irregularity or manifest error. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/022da2317baec285af6457f5>

Caste Certificate. A third party challenging a caste certificate must demonstrate direct legal injury or impact. Once issued, a caste certificate enjoys a presumption of validity, and the burden

of proof lies on the challenger to provide substantial evidence. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/bf9c3aefd7fdc9ea928085ea>

Trial court has the discretion under Order XXVI Rule 9 CPC to appoint a Court Commissioner suo moto if it deems local investigation necessary for better appreciation of evidence. Such an appointment, even after reserving judgment, is not illegal and does not amount to reopening the case. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/299b3a1f58c4ec63b002ca40>

Karnataka Gram Swaraj and Panchayat Raj Act. No confidence motion against Adhyaksha or Upadhyaksha. Notice to them can be issued even before the expiry of 10 days from the date of receipt of the requisition. However, the 15-day notice period for convening the meeting is mandatory. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/a4c07cd9229a87b65cc9b6aa>

Karnataka Municipalities Act. The Deputy Commissioner does not have appellate jurisdiction to cancel Katha entries made by a Municipality. The power under Section 306 is limited to suspending municipal resolutions in emergent situations and cannot be invoked for private disputes over property records. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/9abd3813c4c5c4a455981054>

The District Caster Verification Committee has jurisdiction to verify caste certificates even for certificates issued before the enactment of 1992 Rules. Further, the Central Government employees are not exempted if their caste certificate was issued by a State authority. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/6a8747a8c0a351bf536c1c18>

Prior notice under Section 64 of the Karnataka Urban Development Authorities Act is not an absolute necessity and can be exempted in cases where the actions of the Urban Development Authority are not in compliance with the provisions of the Act or its regulations. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/0ea9deb1a59d5ac58a2c97f5>

Entry of a court injunction in revenue records is legally permissible and does not require a specific direction from the court. The provisions of Karnataka Land Revenue Act, 1961, do not override the doctrine of Lis Pendens, and the integration of judicial and revenue systems ensures transparency in land transactions. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/86afd03bbdb8ea9235b09f9b>

A legatee under a Will is not required to prove authenticity of the Will, if the testator has already admitted the execution of the Will in proceedings before the Court. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/ad2524f8b5580698b98fdfe6>

Burden of proof. A party to suit cannot be asked to prove the negative. In a suit challenging a registered gift deed on grounds of undue influence, the plaintiff bears the burden of proving that undue influence was exercised. The Trial Court cannot transfer this burden to the defendants, requiring them to prove that they did not exercise undue influence. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/09043f5a5d20f7890b70a375>

Panchayat Raj. A notice for a motion of no confidence against the Adhyaksha of a Gram Panchayat cannot be issued suo moto by the Assistant Commissioner. It must be preceded by a valid

requisition signed by the requisite number of members. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/b48cc5a5b3a21e07c60a540e>

Conversion of land under the Karnataka Land Revenue Act. If a government authority fails to act within the prescribed statutory timeline, the deeming fiction under Section 95(2) of the Karnataka Land Revenue Act, 1964 comes into effect, granting automatic approval. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/a77b62894d32bffc0fce5c11>

Government cannot retain private land without lawful acquisition. If the State enters into an agreement for land acquisition but later fails to initiate acquisition, it cannot retain possession indefinitely. Karnataka High Court directs removal of railway track if the acquisition is not initiated and completed.

<https://www.dakshalegal.com/judgements/actionView/eee3944aebc08edc27ab2741>

Karnataka Gram Swaraj and Panchayat Raj (Motion of No-Confidence against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules, 1994. It is not mandatory that a proposed motion of no-confidence is required to be enclosed along with the requisition notice. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/132ab5e51a748b3806c8446d>

An email from the provider invoking the bank guarantee shall be deemed to be a written invocation as contemplated under the terms of the guarantee. Upon such invocation, the Bank is obligated to make payment of the guaranteed amount. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/cbe6d113e43cd5f90cd6dcad>

Karnataka Gram Swaraj and Panchayat Raj (Motion of No-Confidence against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules. Assistant Commissioner cannot take note of the requisition submitted to Panchayat Development Officer. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/0a82f3f7bc4f98277102274f>

Evidence led by one of the parties need not be binding on all other parties. Court can consider the veracity of the deposition if challenged by a party on tenable grounds. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/9964776f179133185f663b14>

Karnataka Gram Swaraj and Panchayat Raj Act. While calculating ten days' time to withdraw resignation to the office of Adhyaksha and Upadhyaksha, the date of submission of the resignation has to be excluded. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/152990d3218756065e6537b8>

Evidence led by one of the parties need not be binding on all other parties. Court can consider the veracity of the deposition if challenged by a party on tenable grounds. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/9964776f179133185f663b14>

Land acquisition. A third party claiming a right to the compensation amount awarded in acquisition proceedings cannot seek impleadment in the Reference Court. Instead, he must approach the Deputy Commissioner for appropriate relief. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/048df74ce01a0074a0cbfc2f>

A person who has not filed an election petition but is arrayed as a respondent cannot seek transposing as the election petitioner alleging collusion between the election petitioner and the successful candidate. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/9749c0b0d64c2d04ca1b32c6>

Tender. The power of judicial review vested with Constitutional Courts in contractual matters is not one of an appeal but is only to excise power to ascertain if there is no wrongdoing by the executive. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/a9df6ee45c9d0760d5726684>

Karnataka Land Revenue Act. Undivided interest of an applicant in the family holding shall also be taken into consideration for determining regularisation of unauthorised occupation under 94A. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/4ef84e6155416df6e855a610>

Changing the name of the allottee does not constitute a breach of the Lease-cum Sale agreement for land allotted to establish an industry. A government entity's contrary view would be deemed unreasonable. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/41baee9ffeb9c201e27db81>

Land acquisition under the national Highways Act. Description of the land must include details of the owner and the extent of his land. Mere mentioning of the survey number without the details is not sufficient compliance with Section 3(A) of the Act. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/6cf99c794c2ff79a10405a70>

Karnataka Co-operative Societies Act. Amendments to the byelaws of a Co-operative society cannot be done bypassing democratic process, wherein a meeting is convened to allow members to deliberate and vote on the proposed amendments. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/cfb5619160203f5d6357eeee>

Caveat filed in the Original Suit in the original jurisdiction shall be put up and considered in the Commercial Suit between the parties. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/7f88536a979761374c4f9e32>

Order 21 Rule 99 CPC. Detailed enquiry into the inter-se rights of the third party and the decree holder is necessary only when the third party has a subsisting right title or interest in the subject matter of the execution proceedings. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/f3e546ed69e0d0a7341dd289>

Statutory performance of obligation by the Corporation under the BBMP Act cannot be questioned in a civil suit since it is only the writ court which can exercise jurisdiction in those matters. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/242057ad49d0f4b916073eb8>

Persons in identical situations with the same statutory rights can seek relief from the statutory authority, regardless of whether they have approached the constitutional courts for directions along with others. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/abef85ec9e190ac1505d2c5a>

Tahsildar has no power to take action in case of violation of the building plan or sanction since the power is vested only with the

authorities under the Karnataka Municipalities Act. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/b256cb9bc9b8d9474c54fed4>

Prolonged and illegal delay of 17 years in executing sale deed in favour of auction purchaser. Karnataka High Court directs Urban Development Authority to pay ground rent towards deprivation of usage of the property.

<https://www.dakshalegal.com/judgements/actionView/6851856aa59465c9ce5a4e52>

Power of attorney coupled with interest would not come to an end on the death of the person who has executed the power of attorney. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/1c55cc7e087b1393a33d9692>

Specific Relief Act. Relief for possession need not be sought for in a suit for specific performance since in terms of Section 22, the relief of possession would be part of the relief of specific performance. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/84452934d12dcb2af94b9d61>

Compensation for usage of land without acquisition. Inter-se dispute among the Government departments cannot be a reason to deny the compensation to the landloser. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/a36a6e1d8c6c222fb7c18259>

When purchaser files a suit for recovery of the advance sale consideration instead of specific performance, the limitation commences from the date of refusal and not from the date of the agreement. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/ag7nCvCM4Ofeku5opw6MObx3a>

Criminal Breach of Trust. Deducting employees provident fund and not paying the same to the Fund. Offence under Section 405 arises only if the amount is deducted in the first place. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/vH49JcyOk70Qs2iUS799qIb28>

Valuation of property for Court fee. Where sale deed shows market value and sale consideration differently, Court fee has to be paid on the higher value thereof. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/pfIGV6IVnvrGiuc4Tok6mTcRx>

Execution Court can determine dispute between the existing parties to the proceedings relating to the Will left by a party who dies during the execution proceedings. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/9IBAzY0raarbV677kgt8wL7AX>

Lands allotted to family members in partition cannot be included in the declarant's account for the purpose of deciding excess land under the Karnataka Land Reforms Act. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/V1ulkw9WL39kaG5n3riU593V>

Suit cannot be dismissed for non-payment of Court fee. Proper course is to calculate deficit court fee and call upon the plaintiff to pay failing which to reject the plaint under Order 7 Rule 11(b) CPC. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/4SU11ntn5CwOWsysMhFz4tzvx>

Property tax exemption to educational institutions. There is no need to file application seeking exemption unless the Corporation disputes usage of property exclusively for educational purposes. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/eSDGCZInyWvFJrLs231mmVLBD>

Upon repeal of the Bombay Public Trust Act, the organization which was registered under the said Act can be registered under the Karnataka Societies Registration Act to establish educational institutions. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/x2DEsfb0Y7xBcI0z4cx3QO0RF>

Karnataka Municipal Corporation Act. Inaction on the part of the Corporation to consider building plan within the timeframe results in deemed sanction to put up construction in accordance with building bye-laws. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/iEqKj0urdleJuHn6r1dBTM4nk>

Karnataka Municipalities Act. An elected Councillor can be removed for 'disgraceful conduct' if they engage in actions that obstruct the statutory duties of the Council or the democratic rights of other members. Removal of such Councillor can be sustained based on proved misconduct even in the absence of a criminal conviction. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/b9a057fe4e6d19c99376777d>

"Lingayat" and "Ganiga" are not mutually exclusive identities. A candidate belonging to the broader Lingayat fold can claim the benefits reserved for the 'Ganiga' caste under category 2A if consistent documentary evidence, particularly school and revenue records of previous generations created before the commencement of the dispute, establishes such sub-caste affiliation. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/3c9945e8444fe5a1725feb22>

Employment Visa. A foreign national on a contractual visa obtained through misrepresentation, does not enjoy the same degree of procedural protection as a citizen or a long-term resident seeking citizenship. Leave India Notice is not vitiated for violation of principles of natural justice. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/175c071a775b0484370fc456>

Foreigners Act. Issuance of a 'Leave India Notice' during the subsistence of a visa does not amount to an impermissible indirect cancellation of the visa. It is a lawful, independent exercise of the power under Section 3(2)(c) which overrides the permission granted by the visa. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/4968946cec68df42b45c188b>

A secured creditor cannot claim immunity from criminal investigation solely on the ground that the loan was advanced against pledged property. Where the accused had no lawful title to the gold, the pledge so created cannot defeat the rights of the true owner, nor can it impede or restrict a lawful criminal investigation under Section 94 of the BNSS. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/c7f280df9cb6b170131be1f7>

Maintenance and Welfare of Parents and Senior Citizens Act. A gift deed is liable to be declared void regardless of whether the condition for maintenance was express or implied. Even without an express recital in the gift deed obligating the donees to maintain the senior citizen, the obligation to maintain can be inferred from the surrounding circumstances and conduct of the parties. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/fbff50fd89d805b2030fda3>

A tender-inviting authority is entitled to reject a bid as non-responsive where the bidder fails to comply with the mandatory requirements of the tender document, particularly when the tender conditions are not under challenge and the decision-making process is not proved to be arbitrary, perverse or illegal. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/384444829b3f093e46cf744b>

The five-year term of a Municipality prescribed under Article 243U(1) of the Constitution of India is an absolute and fixed duration that commences from the date of the first meeting and cannot be extended for any reason. Any period during which an

Administrator is appointed, delay in fixing reservations, or administrative exigencies cannot be excluded from this term. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/2e36a5f8a8c1846f99de027f>

BBMP has no power to enquire into an allegation of encroachment simpliciter unless the encroachment is in violation of sanctioned plan. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/a521123cf66fbef09d9d4757>

Karnataka Co-operative Societies Act. Even a registered sale deed can be cancelled by the Additional Registrar of Corporative Societies in a dispute under Section 70 if the allotment is made improperly or illegally. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/d70d1d6244711acf24a144a9>

Karnataka Land Reforms Act. The ceiling limits prescribed under Section 63 apply exclusively to agricultural land. Land not capable of being used for agricultural purposes is excluded from the operation and cannot be considered for determining excess holding. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/bbd9b988ff496dc884df5cd6>

Karnataka Stamp Act. When a sale deed is executed in furtherance of decree for specific performance after contest, the stamp duty liable to be paid would be the value of the property as shown in the agreement and not the value as on the date on which the document was presented for registration. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/7dfb5465f41902e52c31d382>

Writ Court can intervene and correct the rejection of a nomination in an election process, even for an association, if the rejection is found to be incorrect or arbitrary. The Court's writ jurisdiction extends to the examination of the validity of nomination rejections in such elections. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/fa1a701312640a9776aeaf60>

Election Law. Disqualification of a candidate is required to be considered as on the date on which the scrutiny of the nomination is made and not on the date of filing of the nomination. On the date of scrutiny, the defect would have to be cured before the nomination papers are taken up for scrutiny. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/c64d76ff4957bf778c59fed8>

Karnataka Police Act. In all externment proceedings, the Assistant Commissioner need not record whether witnesses are willing or unwilling to testify if the person remains within the jurisdiction. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/f6c59bcb0534c36052fa876d>

Karnataka Police Act. In externment proceedings, full police record and copies of the documents need not be provided. It is sufficient to provide the proposed externee with a written summary of the material allegations. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/d897ba85aef441df65da3d6a>

Karnataka Co-operative Societies Act. Voluntary refusal or unwillingness of an initially nominated delegate of a Co-operative Society to act as such delegate for an election is a 'substantial reason' justifying the substitution of the delegate by a subsequent resolution of the board of directors. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/d1ea44a481b65386f1705418>

Karnataka Private Medical Establishment Act. When an application for registration of a clinic under Section 7(1) is complete in all respects, and the Registration and Grievance Redressal Authority fails to either grant or reject the application within the stipulated ninety-day period, the registration is 'deemed to have been granted' in favour of the applicant by virtue of the proviso to Section 7(1). Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/725aec01f8eabd6a3f975f57>

Right to Information Act. Personal information pertaining to an accused person, such as a copy of the passport or LOC details, is exempt from mandatory disclosure under the Act since it would violate the individual's right to privacy and could endanger the life or physical safety. The proper remedy for a litigant seeking such documents for court use is to apply to the Trial Court for summoning. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/82474cc5340fae24037b2b99>

Prohibition of Benami Property Transactions Act. Issuance of notice to the beneficial owner under Section 24 is mandatory when the Initiating Officer is aware of their identity. Failure to provide the beneficial owner an opportunity of hearing vitiates the subsequent attachment and adjudication orders. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/6576bc752ef73160291db84a>

A compromise decree in a suit for specific performance, which merely records an agreement to transfer property, does not convey title. A purchaser cannot claim ownership or demand mutation in revenue records solely on the basis of such a compromise without first having the sale deed executed and registered through appropriate execution proceedings. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/49cb022dcd608da31f59ef26>

Pendency of a criminal appeal or the option to apply for suspension of sentence or bail is not a bar to consider an application for parole, which is a separate, time-bound relief granted in exigent circumstances. An authority rejecting parole must issue a reasoned order clearly applying the relevant sections of the Karnataka Prison Manual. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/21e85305352ba332fc1647dc>

Karnataka Government Servants (Medical Attendance) Rules. A medical reimbursement claim cannot be denied merely because a recognized hospital has changed its name, provided it remains the same legal entity. Authorities are responsible for updating their records, and their inaction cannot be used to deprive an employee of reimbursement. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/76891f2531537f98d04c4021>

Karnataka Co-operative Societies Act. On the expiry of the term of office of the Board of Directors, a Joint Registrar cannot automatically assume the role of an administrator and function as the Board of Management without the requirement of any particular separate/formal order. Karnataka High Court.

<https://www.dakshalegal.com/judgements/7/00a7f4a9459275c3c781880a>

Karnataka Prisons Act. Remission can be granted to a prisoner even if the sentence is for a specified term unless the sentence awarded makes it clear that the detune shall not be entitled for premature release or remission or parole. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/355ce97de12d3c9aabfbb50e>

Waqf Act. The Chief Executive Officer can hold an inquiry under Section 54 to decide whether a property is Waqf property and if it has been encroached upon. However, he cannot order eviction since that authority lies exclusively with the Tribunal. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/040283da2d5f524513a750e9>

Civil Procedure Code. A defendant who has merely adopted a written statement filed by another defendant cannot file an application to amend that written statement. The right to seek an amendment of a pleading lies with the person who originally filed it. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/4465f5f76f3180bb6acecbad>

Mysore Forest Act. Once land is notified as forest under Section 17, the notification applies in perpetuity, unless denotified under Section 30 or covered by exceptions under Section 20, which must be strictly proved by the claimant. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/2d4137f0a502a0c1d2eb70b6>

Karnataka Land Revenue Act. Tahsildar is only a receiving officer as regards any application for regularization of land to be placed before the Committee. He has no power to reject the application. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/6896a61f19a9e1adfb271ad9>

Karnataka Panchayat Raj Act. A no-confidence motion remains valid despite a court-ordered stay. Once the stay is lifted, the Assistant Commissioner may issue a fresh notice, and the meeting must be held within 30 days, excluding the stay period, with at least 15 clear days' notice to members. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/bf8fe307668690f7fab75f01>

When separate suits regarding the same property are decided by a common judgment, a single appeal challenging that common judgment is legally permissible. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/1c8435470971b9cb03415d44>

Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Confining appeal remedy only to senior citizen and depriving the same to son, daughter or a third party. Karnataka High Court requests the Law Commission of India to look into the issue.

<https://www.dakshalegal.com/judgements/actionView/4796fe9c460e7f55e9de6595>

Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Gift deed executed before coming into force of the Act cannot be challenged under the Act. Proper remedy is to file appropriate suit before the Civil Court. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/a9462bb3e5c4f424385f2e89>

Khatha transfer. Role of the Revenue authorities is limited to giving effect to recorded ownership for fiscal purposes, not adjudicating complex title disputes which fall within the exclusive purview of civil courts. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/8ecdbdc346a3738e3865f3>

Revenue authorities cannot refuse mutation general objection or a pending civil suit that does not directly challenge the validity of the registered deed or the specific property conveyed by it. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/8979b7034737213c632f23c1>

Acquisition under the BDA Act. Land loser can choose compensation in the form of land or site instead of cash anytime before he actually withdraws the cash compensation. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/e3cee517a30af0877612171f>

Though a matter cannot be referred to Lok Adalalt without hearing all the parties, the defect is curable if all the parties were to be present before the Lok Adalat and agree for a settlement in writing. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/f173d43e1c8c739194e934a7>

Karnataka Land Revenue Act & Karnataka Forest Act. Trees standing on the land as on the date of grant regularising the unauthorised occupation is the property of the government. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/3986d911e1ea77f4f95a77a6>

Karnataka Forest Act. There is a statutory presumption that forest produce belongs to the State government, which can be rebutted by the person against whom the offence is alleged,

requiring them to provide evidence to establish their claim or right to the produce. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/9c159f357feab5d72d5ade86>

Karnataka Forest Act. Sanction of the appropriate authority under Section 114-A of the Act is not necessary before initiating a civil suit seeking for declaratory reliefs and/or compensation as regards a land claimed to be the private property. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/ab01bf4a94f5a4efbf1adc4e>

An electricity distribution company cannot disconnect supply merely at the request of a municipal authority to penalize or coerce an owner for alleged unauthorized construction. Being an essential service, electricity cannot be cut off as a substitute for the statutory notice and demolition procedures under municipal law. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/b330406bbfe2e3ab433f1ac3>

A municipal authority cannot reject an application for a building plan sanction solely on the basis of a proposed road widening or development project contained in a Master Plan. "Reservation" of land does not amount to "acquisition". Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/c04a7485079786652c3efbf>

State Financial Corporation cannot ignore the guidance value fixed by the Government for assessing loan eligibility of an applicant. The Corporation cannot adopt private or 'presumptive' valuation methodologies that result in a lower property value than the official guidance value established by the State's Revenue Department. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/cbb98b43142c0e6a072de684>

Karnataka Sakaala Services Act. Thirty days period for issuance/rejection of Khatha, from the date of the application,

includes consideration of any objections filed for issuance of khatha. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/50e32d11cf2c17e918441a22>

A government circular imposing ban on sale of sites formed in a layout without obtaining a release from the Planning Authority cannot be applied retrospectively to divest a property owner of rights acquired through a registered sale deed executed prior to the date of the circular. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/8e824bea235b2e6063ceef2c>

A Deputy Commissioner or municipal authority does not possess the inherent or statutory jurisdiction to summarily cancel a long-standing Khata without a clear finding of fraud or a decree from a competent Civil Court. While the State can initiate action against illegal encroachments, it cannot use administrative proceedings to adjudicate complex disputes of title; the proper remedy remains with the Civil Court. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/e4f92d482ba9f4e006f58b62>

Arbitration and Conciliation Act. Doctrine of separability. Arbitration agreement survives the termination of the underlying contract and continues to subsist, notwithstanding the approval of the Resolution Plan under Section 31(1) of the Insolvency and Bankruptcy Code. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/bc6b3915c1661cd4e106b663>

Security for keeping peace. Show-cause notice under Section 126 of the BNSS must be accompanied by an order under Section 130. No show-cause notice can be issued by the Executive Magistrate without the order in writing setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force and number of sureties. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/5dbe5487970f4f2be71eb5e5>

Inclusion of a professional's name in a centralized 'Caution List' or blacklist by bodies such as the Indian Banks' Association has serious civil consequences and affects the fundamental right to practice a profession. Such action must comply with principles of natural justice, including a prior show-cause notice and fair hearing. Blacklisting without a speaking order or hearing is arbitrary, violates Article 14 of the Constitution of India. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/734c9b2d47800cece167a519>

Children born from live-in relations cannot be stigmatised or deprived of legal protection since there is a constitutional commitment to protect children, irrespective of the parents' marital status. Where such a relationship ends, the legal system must address the consequences in a manner that prioritises the welfare of the child. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/e512a4167c246db9185e9a52>

Jamma Malai lands in the Kodagu region represent a specific, privileged hereditary tenure for cardamom cultivation that is distinct from the State's forest domain. Once the status of such land and the proprietary rights of the holders have been adjudicated and affirmed by a competent Civil Court in a suit involving the State, the revenue and forest authorities cannot re-classify the land as Reserved or Protected Forest. Karnataka High Court.

<https://www.dakshalegal.com/judgements/actionView/566a19486047ef9c39f703a3>