

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

Present: Sri. S S Nakul, I.A.S  
Deputy Commissioner,  
Uttar Kannada, Karwar.

No. RB/LND-1/AP/CR-01/2017-18

**Between**

1. Sri Padmanna Yallappa Khatari Since deceased by his son,  
Sri Basavaraj Padmanna Khatari,  
R/o Arishinakeri Taluk Mundgod.
2. Sri Irappa Somanna Dodmani  
R/o Arishinakeri Taluk Mundgod.  
(Represented through Advocate Sri. D.R.Bhat)

.... Revision Petitioners

V/s.

1. Sri Prakash Neelappa Lamani
2. Sri Ravi Neelappa Lamani.
3. Sri Uday Neelappa Lamani.
4. Sri Laxman Neelappa Lamani
5. Sri Krishna Neelappa Lamani  
All are R/o Arishinakeri Taluk Mundgod.
6. Tahasildar Mundgod.  
(Represented through Advocate Smt. Annapurna S.S. Bhat  
and Sri. Sitaram Bhat)

.... Respondents

**Sub:** Revision petition filed u/s 136(3) of KLR Act 1964 against the  
Mutation Entry No.2017/03-04 dated:3-12-2003 in respect of Sy.  
No.111 an extent of 11-09-0(A-G-A) Karab 0-4-0 (A-G-A) and  
actual area 11-05-0 (A-G-A) of Bachanki village in Mundgod Taluk.

**Preamble:**

The instant revision petition has been filed against the order of Assistant Commissioner, Sirsi in file No.RTS-AP-CR-9/15-16 dated 20-3-2017. Notices were issued to both parties.

**The brief facts of the case are as follows:**

In the year 1958 an extent of 11-9-0 in Survey No.111 of Bachanki village in Kumta Taluka was granted to one Govindaraj Narayan Pille by Assistant Commissioner Sirsi and vide mutation entry No.1019 his name got mutated in the RTC. He died on 9-9-1969 and vide mutation entry No.1282 the name of his wife Somalavva was mutated. But as per the mutation entry her name was not entered in the RTC. However the suit land was in the possession of revision petitioner No. 1 and 2. After due enquiry Assistant Commissioner Sirsi by his order dated: 2-6-1987 cancelled the grant as the grantee violated the conditions of grant and ordered to forfeit the suit land to government. Being aggrieved by this order the revision petitioner No.1 filed appeal before this court which was also set aside. Against this order he preferred appeal No. 195/1991 before Karnataka Appellate Tribunal Bangalore and the Hon'ble KAT by its order dated: 23-11-1998 set aside the order of Deputy Commissioner Uttar Kannada and Assistant Commissioner, Sirsi more over the petitioner No.1 also filed W.P No. 47512/2003 before the Hon'ble High Court of Karnataka and as per order dated: 4-11-2003 Tahasildar Mundgod ordered to enter the name of Govindaraju Pille by deleting the name of Karnataka Sarkar". However it is seen that the names of revision petitioner No.1 and 2 were appeal in the 12<sup>th</sup> column on the RTC of the suit land. In between this the respondents filed civil suit O.S No.93/2013 before Hon'ble Civil Judge Mundgod and as per the court order dated: 21-12-2013 they got decreed as legal heirs of late Govindaraju Pille. There after they filed appeal before Assistant Commissioner, Sirsi to mutate their names as legal heirs. After going through all the records Assistant Commissioner Sirsi has passed the order dated: 20-3-2017 to mutate the name of respondents as legal heirs to the suit



property. Being aggrieved by this order the revision petitioners filed the instant revision petition before this court.

**The advocate for the revision petitioner argued that**

1. In 1958 an extent of 11-9-0 in Sy No.111 of Bachanaki Village in Mundgod Taluk was granted to one Govindraju Narayan Pille by Assistant Commissioner, Sirsi. In the year 1968 the said Govindraju Pille executed an agreement to sell the suit land to the father of revision petitioner No.1 and he executed an agreement to sell an extent of 5-0-0 to the father of revision petitioner No.2. In this way both have been enjoying the suit land for several years.
2. The Assistant Commissioner Sirsi by this order dated: 2-6-1987 cancelled the grant made infavour of Govinraju as he had violated the condition of grant. Against this order the revision petitioner No.1 preferred appeal before Deputy Commissioner Uttar Kannada and the same was dismissed. Being aggrieved by this order he filed appeal before Hon'ble KAT Bangalore and the court allowed the appeal and ordered to restore the grant made infavour of Govindraju.
3. As per the Hon'ble KAT order Tahasildar Mundgod ordered to enter the name of revision petitioners in the cultivator's column of the RTC. However the name of Govindraju was deleted.
4. Tahasildar Mundgod submitted a proposal to Deputy Commissioner Karwar to grant an extent of 6-5-0 in the suit land to petitioner No.1 and the revision petitioner No.2 has also filed application before land grant committee to grant an area of 5-0-0 in the suit land. Both applications are pending for disposal.
5. In the mean time Tahasildar Mundgod ordered to enter the names of respondents No.1 to 5 as the legal heirs of Govinraju Pille in the owners column of the RTC. Against this order the petitioners filed appeal before Assistant Commissioner, Sirsi and Assistant Commissioner, Sirsi rejected the appeal.
6. Assistant Commissioner has not verified the revenue records and Hon'ble KAT order before passing the impugned order. The name of original grantee is Govindraju Pille and where as the so called legal heirs are Lamani. Thus Assistant Commissioner has not verified whether the present respondents are the actual legal heirs of Govindraju. More over Assistant Commissioner, Sirsi has not interpreted the order of the Hon'ble Civil Court in O.S No. 93/2013 in its correct perspective.

Hence he requested to allow the appeal by setting aside the order of Assistant Commissioner Sirsi.

**The advocate for the respondents argued that**

1. The contention of the petitioner is not true that Govindraju Pille has executed an agreement to sell the land to the father of the petitioner No.1 and he executed and agreement to sell an extent of 5-0-0 land to the father of petitioner No.2 on the basis of agreement the name of the father of revision petitioners cannot be entered in the RTC as owner or cultivator. The act also does not allow this. The father of the revision petitioner No.1 filed Form No.7 before the Land Tribunal for twice and also it was rejected by the Land Tribunal as it is not a tenanted land. But the revision petitioners with the help of influenced persons want to grab the property. Thus with the help of forged documents the revision petitioners are filing appeal.
2. An extent of 11-9-0 in Sy No 111 of Bachanaki Village in Mundgod Taluk was granted to one Govindraju Pille and vide mutation entry No.1019 his name got mutated in the RTC. He died on 9-9-1969. After his death his wife Somalavva moved an application to Tahasildar Mundgod to mutata her name as legal heirs subsequently vide mutation entry No. 1282 her name was mutated but however her name was not entered in the RTC.
3. The father of the petitioner No.1 produced the bogus agreement of sale before the Land Tribunal. So Assistant Commissioner Sirsi cancelled the grant as the grantee has violated the grant condition and ordered to forfeit the land to government. But Hon'ble KAT vide its order dated: 23-11-1998 set aside the order of Assistant Commissioner Sirsi and stated that Govindraju has not violated the grant condition Govindraju and Somalavva got only one daughter called Sushila Neelappa Lamani. But she died earlier than her mother by leaving the minor children. Later grandmother Somalavva also died.



4. Later the respondents filed O.S No. 93/2013 before Hon'ble Civil Judge Mundgod and the Court vide its order decreed them as legal heirs of Govindraju.
5. By considering all these documents Assistant Commissioner, Sirsi by his order dated: 20-3-2017 directed to enter the names of respondents as legal heirs of Govindraju.

Hence he requested to set aside the revision petition.

On perusal of the lower court records and written argument of both parties it discloses that originally an extent of 11-9-0 in Sy No. 111 of Bachanaki Village was granted to one Govindraju Pille. After his death his wife Somalavva moved an application to Tahasildar to mutate her name. From the records it is seen that vide mutation entry No. 1282 her name was mutated, but her name was not entered in the RTC. However the names of petitioner No.1 and 2 were entered in the 12<sup>th</sup> column of the RTC. In the mean while the respondents filed O.S No.93/2013 before the Hon'ble Civil Court Mundgod and as per the court order dated: 21-12-2013 they got decreed as legal heirs of Govindraju. So Assistant Commissioner Sirsi ordered to mutate their names as legal heirs. The dispute is between the two parties regarding ownership of the land. Many courts orders were passed in this respect. But it is evident from the record that now the Revision Petitioner No.2 has filed O.S No. 20/17 and Son of Revision Petitioner No.1 filed O.S No.21/17 against the respondents before Hon'ble Civil Court Yellapur and the Hon'ble Civil Court by its order dated: 6-7-2017 passed status-quo order against the respondent in respect of suit property. It is not clear whether the status- quo order vacated or not. As per the ruling reported in ILR 2016(1) KCCR-247 when there is civil dispute between the parties it cannot be adjudicated by revenue authorities. Hence it is not proper to pass any order with regard to suit property at this stage.  
Hence I proceed the following order.

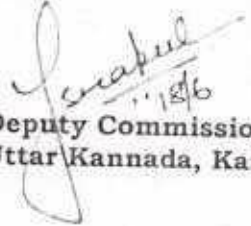
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**Date: 18-06-2018**

**Order**

Appeal is dismissed. Approach revenue authorities after the title suit is settled for mutation as per civil court orders.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 18-06-2018)

  
**Deputy Commissioner,  
Uttar Kannada, Karwar.**

**Copy to:-**

1. Advocate Sri. D.R.Bhat & Smt. Annapurna S.S. Bhat and Sri. Sitaram Bhat for information.
2. Assistant Commissioner, Sirsi for information and necessary action.
3. Tahasildar Mundgod for information and necessary action with Lower court file No.RTS-Viva-14/2017-18 dated 24-6-2017. Page No.1 to page No.436.