

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

Present:

Sri. S S Nakul, IAS,
Deputy Commissioner,
Uttar Kannada, Karwar

No. RB/RTR/CR- 18/2016-17



Between

Shri. Angeles Juje D'Costa
R/o Mudgeri Tq:Karwar

.... Appellant

V/s

Tahsildar, Karwar

.... Respondents

Sub: Appeal filed u/s 136 (3) of Karnataka Land Revenue Act, 1964 against the order of Assistant Commissioner, Karwar in file No. RTS/e-Vinidhi-24/16-17 dated: 21-04-2016.

Preamble:

The instant appeal has been filed against the order of Assistant Commissioner, Karwar in file No. RTS/e-Vinidhi-24/16-17 dated: 21-04-2016.

1. Appellant has submitted appeal memo on 14-07-2016 and the same was heard during admission of the case. Respondent is Tahsildar, Karwar
2. The appellant has submitted an appeal memo on 14-07-2016 and the same was heard during admission of the case on 01-08-2016.
3. Appellant applied for correction of name Vangeles Juje Fernandes to Angeles Juje D'Costa in the court of Assistant Commissioner, Karwar. After due hearing Assistant Commissioner, Karwar rejected the appeal directing the appellant to submit application to Competent Authority.
4. Being aggrieved by the order of Assistant Commissioner, Karwar order No. RTS/e-Vinidhi-24/16-17 dated: 21-04-2016 the appellant submitted appeal before Deputy Commissioner, Karwar and Deputy Commissioner, Karwar in his endorsement directed Assistant Commissioner, Karwar to take necessary action on 31-03-2016.
5. Assistant Commissioner, Karwar didn't consider the application and again rejected it to appeal before Competent Authority.
6. Being aggrieved by this appellant Angeles Juje D'Costa filed an appeal before Deputy Commissioner, Karwar and prayed to correct the name of Vangeles Juje Fernandes to Angeles Juje D'Costa
7. In support of his contentions counsel for the appellant has submitted the following documents:
 - a) Appeal Memo.
 - b) Copy of endorsement given by Deputy Commissioner, Karwar
 - c) Copy of Assistant Commissioner Order No. RTS/e-Vinidhi-24/16-17 dated: 21-04-2016.
 - d) Copy of Form No.7 dated: 16-08-1974.
 - e) Copy of Form No. 10 No. TNC/MISC/612 dated: 30-04-1975 order dated: 20-08-1980.
 - f) Copy of Mutation entry No. 11881 dated: 27-05-1994.
 - g) Copy of Annexure 7A.
 - h) Copy of Assistant Commissioner, Karwar order No. Bhusu/1737/2000-01 dated: 25-09-2000.
 - i) Record of Rights of Sy No. 38/4 of Mudgeri village of Karwar Taluk.

j) Copy of 11CCC grant under Karnataka Land Reforms Act, 1961 u/s 77.

Since Respondent is Tahsildar Karwar the appeal being decided based on merits available.

The brief facts of the case are as follows:

1. Appellant claiming to be his father Shri. Kosta Juje Farashik for occupancy in Form No. 7 to Land Tribunal and Land Tribunal in his order Form No. 10 No. TNC/MISC/612 dated: 30-04-1975 order dated: 20-08-1980 ordered occupancy right to Kosta Juje Fernandes. But this order was not effected on Record of Rights.
2. Appellant Angeles Juje Fernandes again filed application for occupancy right in form No. 7A. After due enquiry Assistant Commissioner, Karwar ordered occupancy right to Vangeles Juje Fernandes as per 11CCC order No. Bhusu 7A/Viva/1737/2000-01 dated: 25-09-2000 the same was entered in Record of Rights of Sy No. 38/4 of Mudgeri village in the year 2002 as per Mutation entry No. A666.
3. Appellant after 11 years submitted appeal before Assistant Commissioner, Karwar under KLR Act Section 136(2) regarding correction of name in RTC. As Vangeles Juje Fernandes to Angeles Juje D'Costa. But Assistant Commissioner, Karwar after due hearing the case in his vide order No. RTS/AP/CR-32/12-13 dated: 05-07-2013 rejected his appeal and directed appellant to appeal Competent Authority for relief.
4. Appellant submitted appeal before Deputy Commissioner, Karwar on 15-02-2016 in which Deputy Commissioner, Karwar gave endorsement to Assistant Commissioner, Karwar to take necessary action on 31-03-2016. Assistant Commissioner, Karwar did not consider the application and rejected the application.
5. No delay has been condoned by the appellant in this regard.
6. Being aggrieved by this, Appellant submits the appeal to Deputy Commissioner, Karwar as prayed to correction of name from Vangeles Juje Fernandes to Angeles Juje D'Costa.

After verifying the documents submitted by appellant i.e.,

1. Form No. 7 was filed by Kosta Juje Farashik
2. Form No. 10 issued by Land Tribunal in the name of Kosta Juje Farashik.
3. There is no documentary evidence like Ration card or school leaving certificate submitted by appellant which proves that Kosta Juje Fernandes is the father of Angeles Juje D'Costa, the surnames of both are very different.
4. Absolutely there is no reliable document to that effect.
5. Rectification of records which is on the basis of Land Tribunal order. The Competent Authority needs to be approached.

As facts mentioned above in detail. I proceed to pass the following order.

No. RB/RTR/CR- 18/16-17

Date: 17-10 -2016

Order

Appeal is rejected, Assistant Commissioner, Karwar in file No. RTS/e-Vinidhi-24/16-17 dated: 21-04-2016 is upheld.

(Order dictated to the Stenographer, not computerized, verified and pronounced in open court on 17-10-2016)



J. Sankul
"17/10/16"
**Deputy Commissioner,
Uttar Kannada, Karwar.**