

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

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



No. RB/RTR/CR-19/2017-18

Between

1. Shri Venkatraman Sitaram Hegde
R/o Kadbal Village, Taluk: Sirsi
(Represented through Advocate N. S Bhat)

.... Revision Petitioner

V/s

1. Tahasildar Sirsi
2. Assistant Commissioner Sirsi
3. Shri Gangadhar Manjappa Hegde
R/o Kadabal Taluk: Sirsi

.... Respondents

Sub: Revision petition filed u/s 136 (3) of Karnataka Land Revenue Act 1964 against the order of Assistant Commissioner Sirsi in file No. ಪಹಣಿ/ತಿದ್ದುಪಡಿ/ವಿವ-53/16-17 dated: 8-5-2017.

Preamble:

The instant revision petition has been filed against the order of Assistant Commissioner Sirsi in file No. ಪಹಣಿ/ತಿದ್ದುಪಡಿ/ವಿವ-53/16-17 dated: 8-5-2017. Notices were issued to both parties.

The brief facts of the case are as follows:

Assistant Commissioner Sirsi passed the order dated: 8-5-2017 for RTC Durasti in respect of Sy NO. 116/2 of Kadabal Village in favour of Gangadhar Manjappa Hegde and deleted the name of Venkatraman Sitaram Hegde as Mulagenidar from Sy No. 116/2. Being aggrieved by this order the revision petitioner filed the instant petition before this court.

The advocate for the revision petitioner requested to consider the appeal memo as written argument. The facts are as follows:

1. The revision petitioner is the owner of Sy No. 116/1 of Kadabal Village and also he hold joint right over Sy no. 116/2 an extent of 0-10-10 of Kadabal Village. The respondent No. 3 moved a false application to Tahasildar Sirsi. On the basis of report of Tahasildar Sirsi, Assistant Commissioner Sirsi without any enquiry passed the order to delete the name of Venkatraman Sitaram Hegde which was entered as jointly with the petitioner in respect of Sy No. 116/2 as it is a pokal entry.
2. The order passed by Assistant Commissioner, Sirsi is contrary to law and facts of the case.
3. Tahasildar Sirsi not submitted the actual facts in the report. So without verifying the actual facts and documents the impugned order passed by Assistant Commissioner is against the principle of natural justice.
4. Assistant Commissioner, Siris has no power to delete the joint ownership of mulgenidars right and before deleting the name of Venkatraman Sitaram Hegde Assistant Commissioner has not done any enquiry. The respondent's application has to be enquired before the land Tribunal. But Assistant Commissioner has wrongly passed the order as RTC durasti.
5. The impugned order caused great loss to the revision petitioner.

Hence he requested to set aside the order of Assistant Commissioner Sirsi.

The respondent remained absent throughout the proceedings though he was served with the notice. So it has been decided to dispose the case on the on the basis of documents available in the case.

On perusal of the order of the Assistant Commissioner Sirsi Sy no. 116 an extent of 01-16-0 (A-G-A) is Sarkara Land and the name of the respondent No.3 Gangadhar Manjappa Hegde with the name of revision petitioner Shri Venkatraman Sitaram Hegde was present in the RTC column No. 9 in the year 1998-99. This Sy No is divided in to 2 Hissas as Sy No. 116/1 and 116/2. Assistant Commissioner Sirsi on the basis of report of Tahasildar Sirsi during the time of Kandaya Adalat correction of RTC deleted the name of revision petitioner Venkatraman Sitaram Hegde from Sy No. 116/2. Being aggrieved by this order the revision petitioner filed an revision petition before this court. Since the land is of Sarakara the Assistant Commissioner Sirsi has no power to delete the joint ownership of Mulagenidars right. This matter is pertaining to tenancy rights which have to be decided before Land Tribunal under the Karnataka Land Reforms Act.

Hence I proceed the following order.

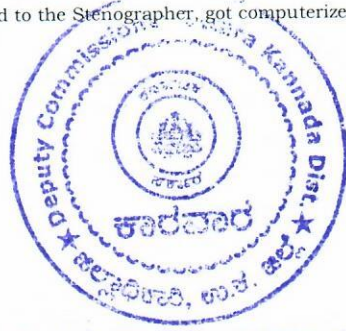
No. RB/RTR/CR-19/17-18

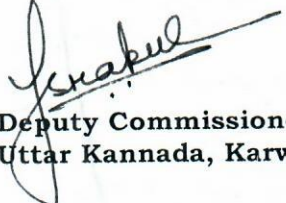
Date: 27-08-2018

Order

Appeal is allowed. Assistant Commissioner Sirsi order No. ಪಹಣಿ/ಶಿಡ್ಡುಪಡಿ/ವಿವ-53/16-17 dated: 8-5-2017 is hereby quashed.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 27-08-2018)




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

Copy to:-

1. Advocate Sri. N. S Bhat for information.
2. Assistant Commissioner, Sirsi for information and necessary action.
3. Tahasildar Sirsi for information and necessary action.