

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

Present: Dr. Harish Kumar K., I.A.S.
Deputy Commissioner,
Uttar Kannada, Karwar.

No. RB/Tech Appeal/CR-4/2019-20

Between

1. Shri. Girimallesh Sannarajappa Nimbayee
R/o Thumbargi Mundgod Taluk: Mundgod
(Represented through Advocate Sri. S. K Pawar)

.... Appellant

V/s

1. The Tahasildar concerned to survey Supervisor
R/o Mundgod Taluk Mundgod
2. Shri Songappa Nagendra Nimbayee
R/o Thumbargi, Mundgod Taluk Mundgod
3. Shri Hanumappa Nimbayee Pirrappa
R/o Thumbargi, Mundgod Taluk Mundgod
4. Shri Udaypuri Subhas
R/o Thumbargi, Mundgod Taluk Mundgod
5. Shri Mahadevappa Thai Kuberappa Nimbayee
R/o Thumbargi, Mundgod Taluk Mundgod
6. Shri Nagappa Rajappa Shivappanavar
R/o Thumbargi, Mundgod Taluk Mundgod
7. Shri Malleshi Mahadevappa Lingsur
R/o Thumbargi, Mundgod Taluk Mundgod
8. Shri Krishna Shyamray Ladnavar
R/o Thumbargi, Mundgod Taluk Mundgod
9. Shri Manjunath Sannarajappa Nimbayee
R/o Thumbargi, Mundgod Taluk Mundgod
10. Shri Annappa Sannarajappa Nimbayee
R/o Thumbargi, Mundgod Taluk Mundgod
11. Shri Ganapati S/o Sannarajappa Nimbayee
R/o Thumbargi, Mundgod Taluk Mundgod
12. Shri Ramkrishna S/o Sannarajappa Nimbayee
R/o Thumbargi, Mundgod Taluk Mundgod



.... Respondents

Sub: Appeal filed u/s 50 of Karnataka Land Revenue Act-1964 against the Hissa Phodi in respect of Sy. No. 109 of Salakod village in Mundgod Taluka.

Preamble:

The instant appeal has been filed by the appellants U/s 50 of Karnataka Land Revenue Act 1964 against the order No.ಕಂ.ತಾಂ/ಭೂಮಾಪನ/ಭೂದಾಖಲೆ/ಮೆಲ್ಲನವಿ/36/17-18 dated 22-05-2018 passed by the Deputy Director of Land Records, Uttar Kannada Karwar.

Notices were issued to both parties and they have appeared before the Court.

Brief facts of the case are as hereunder:

The suit property is the family property of appellant and respondents. As per Tahasildar Mundgod order No. MMR/PHS/296/05-06 survey was conducted and as per Hissa Phodi the suit land was assigned Sy No. 109/1 an extent of 3-26-0 Sy No. 109/2 an extent of 1-1-0 and Sy No. 109/3 an extent of 2-26-0. In further days the Sy No. 109/3 was bifurcated in to Sy No. 109/4 to 109/9. Against this Hissa Map the appellant filed appeal before DDLR Karwar and DDLR Karwar by his order

dated: 22-5-2018 dismissed the appeal. Being aggrieved by this order the appellant filed the instant appeal before this court.

The advocate for the appellant orally argued that-

1. The order passed by DDLR is contrary to law and true facts of the case. Hence it is liable to be set aside.
2. The Hissa map prepared by Tahasildar Mundgod is not tally with the record of rights.
3. The Provisions of law has not been applied and properly constructed by the Tahasildar Mundgod and DDLR Karwar.

Hence he requested to allow the appeal.

The respondents remained absent throughout the enquiry. Hence it has been decided to dispose the case on merit.

The point for consideration before this Court is-

1. Whether there are sufficient grounds to allow the appeal?

Ans. Negative.

On perusal of the lower court records and the appeal memo it reveals that the suit land was the family property of appellants and respondents. As per Tahasildar Mundgod's order No. MMR-PHS-296/05-06 the Sy No. 109 of Salakod Village was divided in to Hissa No. 109/1 Sy No. 109/2, and Sy No. 109/3. Later the Sy No. 109/1 was bifurcated in to Sy No. 109/4 to 109/9. It is evident from the RTC that there are four owners in Sy No. 109/1. But only the appellant has filed the appeal. DDLR Karwar in his order clearly mentioned all the matters in detail. So it is not necessary to interfere with the order of DDLR Karwar. Hence, I proceed to pass the following order.

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Date: 04-11-2019

Order

Appeal is dismissed.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 04-11-2019)



**Deputy Commissioner,
Uttara Kannada, Karwar.**

Copy to:-

1. Advocate Sri. S. K Pawar for information.
2. Deputy Director of Land Records Uttara Kannada, Karwar for information and necessary action with Lower court file No.ಕಂ.ತಾಂ/ಭೂಮಾಪನ/ಭೂದಾಖಲೆ/ಮೆಲ್ಕನವಿ/36/17-18 dated 22-05-2018 page No. 1 to page No. 136..
3. Tahasildar Mundgod for information and necessary action.