

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

Present: Dr. Harish Kumar K., I.A.S.

Deputy Commissioner,
Uttar Kannada, Karwar.

No. RB/RTR/CR-18/2019-20

Between

Sri. Shivaram Shanta Salunke
R/o Asnoti, Karwar
Now residing at Building 65 Room,
3192, Milan Co-operative Housing Society,
Varthaknager, Thane-400606
(Represented through Advocate Sri.S.K. Pawar)



Revision Petitioner

V/s

1. The Tahasildar,
Karwar.

... Respondent

Sub: Revision Petition filed U/s 136 (3) of Karnataka Land Revenue Act against the order of Assistant Commissioner, Karwar in file No. RTS/AP/SR/04/2017-18 dated 26-10-2018 in respect of mutation entry No. 8/06-07 dated 12-01-2007 of Madewada Village in Karwar Taluka.

Preamble:

The instant revision petition has been filed U/s 136(3) of Karnataka Land Revenue Act by Sri. Shivaram Shanta Salunke, represented by her advocate Sri. S.K. Pawar challenging the order of Assistant Commissioner, Karwar in file No. RTS/AP/SR/04/2017-18 dated 26-10-2018. Notices were issued to both the parties.

Brief facts of the case are as hereunder:

The petitioner claims that due to clerical mistake his name is mentioned as Shivanand Bin Shanta instead of Shivaram Shanta Salunke in the RTC of Sy.No. 80/7B of Madewada village in Karwar Taluka. Petitioner had applied for correction of his name before the Tahasildar Karwar. Tahasildar Karwar issued an endorsement to the petitioner that there is no option for correction of name and to approach competent authority for relief. Against the endorsement issued by Tahasildar Karwar the petitioner filed an appeal before the Assistant Commissioner Karwar. The Assistant Commissioner Karwar rejected his appeal reasoning that there is no documentary evident that Shivanand Bin Shanta and Shivaram Shanta Salunke is one and the same person. Being aggrieved by this order the petitioner filed revision petition before this court.

The Advocate for the appellant argued that-

1. The impugned order passed by the Assistant Commissioner Karwar is quiet contrary to law and true facts of the case and is liable to be set aside.
2. The Assistant Commissioner, Karwar and Tahasildar Karwar have failed to note that revision petitioner's name is Shivaram Shanta Salunke while entering the name in the record of rights of Sy.No. 80/7B of Madewada village in Karwar Taluk.
3. The Tahasildar Karwar wrongly entered the name of the petitioner as Shivanand Bin Shanta instead Shivaram Shanta Salunke even though in other record of rights it is entered as Shivaram Shanta Salunke.
4. Circumstances and probabilities were not duly considered by Tahasildar and Assistant Commissioner Karwar.

Hence the advocate for the petitioner requested to allow the revision petition.

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The point for consideration before this Court is-

1. Whether there are sufficient grounds to allow the revision petition?

Ans. In the Negative.

On perusal of the lower court records and written arguments of the petitioner, it reveals that the petitioner claims due to clerical mistake his name is mentioned as Shivanand Bin Shanta instead of Shivaram Shanta Salunke in the RTC of Sy.No. 80/7B of Madewada village in Karwar Taluka. Petitioner had applied for correction of his name before the Tahasildar Karwar. Tahasildar Karwar issued an endorsement to the petitioner that there is no option for correction of name and to approach competent authority for relief. Against the endorsement issued by Tahasildar Karwar the petitioner filed an appeal before the Assistant Commissioner Karwar. The Assistant Commissioner Karwar rejected his appeal reasoning that there is no documentary evidence that Shivanand Bin Shanta and Shivaram Shanta Salunke is one and the same person. The petitioner has produced copy of School leaving certificate, PAN Card and Aadhar Card where it is mentioned that his name is Shivaram Shanta Salunke. The Assistant Commissioner Karwar has rightly observed that there is no any documentary evidence produced by the petitioner that Shivanand Bin Shanta and Shivaram Shanta Salunke is one and the same person. Hence, revision petition is liable to be dismissed. Hence, I proceed to pass the following order:

No. RB/RTR/CR-18/2019-20

Date: 11-11-2019

Order

Revision Petition is dismissed.

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



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

Copy to:-

1. Advocates Sri. S.K. Pawar for information.
2. Assistant Commissioner, Karwar for information and necessary action with lower court records in No. RTS/AP/SR/04/2017-18 dated 26-10-2018 page No. 1 to 40.
3. Tahasildar Karwar for information and necessary action.

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