

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

**Present:**

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

No. RB/RTR/CR-03/15-16



**Between**

1. Ramchandra Ganesh Bhat
  2. Maruti Guruji Ganesh Bhat
  3. Arpita G Bhat
- All R/o Bangaramakki Tq: Honnavar  
(Represented through Advocate Sri. N V Nayak)

.... Revision petitioners

V/s

1. Assistant Commissioner, Bhatkal
2. Tahsildar Honnavar
3. Deputy Tahsildar Nadakacheri  
R/o Mavinakurve Tq: Honnavar
4. Ganga Ganesh Bhat  
R/o Udupi
5. Siddivinayak Ganesh Bhat  
R/o Udupi
6. Nayana Ramchandra Bhat  
R/o Bangalore  
(Represented through Advocate Sri. Srinivas Nayak and Shekhar Harikant)

.... Respondents

**Sub:** Revision petition filed u/s 136(3) of Karnataka Land Revenue Act, 1964 against the Mutation entry No. H3/12-13 of Hulegar village in Honnavar Taluk.

**Preamble:**

The instant revision petition has been filed against the order of Assistant Commissioner, Bhatkal in file No. RTS/AP/SR-126/12-13 dated: 04-12-2014. Notices were issued to both parties.

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

Respondent No.4 is the mother of Petitioner No. 1 and 2 and Respondent No.5. Petitioner No.3 and Respondent No.6 are her daughter-in-laws. On 14-05-2012 there was family partition between the parties. It was registered in the Sub-Register Office, Honnavar. Accordingly Mutation entry No.H3/12-13 was initiated. But it was objected by Respondent No. 4 and 5. Accordingly the Deputy Tahsildar, Mavinkurva after hearing the dispute cancelled the Mutation entry. This order was challenged before Assistant Commissioner, Bhatkal and who in order dated: 04-12-2014 upheld the order of Deputy Tahsildar, Mavinkurva. Being aggrieved by this order the petitioners filed instant appeal before this court.

The Advocate for the petitioner argued that.

1. Respondent No.4 is the mother of Petitioner No. 1 and 2 and Respondent No.5. On 14-05-2012 family partition was made among them. But it was objected by Respondent No. 4 and 5 and throughout the proceeding they contended that the GPA executed by them in favour of the Petitioner No.1 is concocted document and also they lodged police complaint.



2. The impugned order is contrary to law and facts of the case.
3. As per Section 128 of Karnataka Land Revenue Act, Revenue Authorities are bound to effect the Mutation entry based on registered documents. To support his claim he also produced the copy of High Court decision published ILR—2006(3)KAR-3400
4. Assistant Commissioner, Bhatkal and Tahsildar, Honnavar referred the Civil suit instituted by the Respondent No.4 and 5. Tahsildar has no power to cancel the Mutation entry till the disposal of the suit. It is held by the Citation reported in ILR-2002-KAR-2750.
5. The Respondent No. 4 and 5 not filed any suit regarding the Mutation entry. The petitioner also produced the copy of the High Court Judgment reported in 2003(1) KCCR short note No. 3 2)2006(3)-KCCR-Page 1693 3)2006(1)-KCCR-Page 652 to support his claim.

Hence he requested to allow the petition.

The Advocate for the Respondent No. 4 and 5 argued that.

1. The Respondent No.4 already filed criminal case against the Appellants before the police station regarding cheating, forgery etc., The police have registered criminal case.
2. The Respondent No. 4 and 5 filed Civil Suit OS No. 10/2012 before Senior Civil Judge, Honnavar for the relief of declaration to declare the alleged partition deed entered between the petitioners and respondents and the Court by its order dated: 17-06-2014 issued Temporary Injunction.
3. As per the decision of the High Court reported in ILR-2005-KAR-5777 and 2002(4) KLJ 353 when the Civil suit is pending disposal filed challenging the document in question the entries in the Mutation Register shall be kept intact until the rights of the parties are established before the Civil Court.

Hence he requested to dismiss the revision petition.

The Advocate for the Respondent No. 6 argued that.

1. The Respondent No.6 purchased an extent of 1-13-0(A-G-A) area in Sy No. 5/2K of Hulegar village from Dinesh Shet through Registered sale deed and she is absolute owner of the property. The Respondent has also filed OS No. 104/2015 before Civil Judge, Honnavar against the partition deed which is pending for enquiry.
2. The revision petition is false and non-maintainable.

Hence he requested to dismiss the petition.

On perusal of the lower court records and written argument of both parties it is pertinent to note that on 14-05-2012 there was family partition between the parties. It was registered in Sub-Register Office, Honnavar. Accordingly Mutation entry No. H3/12-13 was initiated. But it was objected by Respondent No. 4 and 5 that the GPA executed by them in favour of the Petitioner No.1 is concocted document and they also lodged complaint in the Police station. The Respondent No. 4 and 5 filed OS No. 10/2012 before Senior Civil Judge, Honnavar for relief of declaration to declare the alleged partition deed and the Court by its order dated: 17-06-2014 issued Temporary Injunction. As per the decision of the High Court reported in 2006(3) KCCR 1757 Khata entries should not be changed by the revenue authorities during the pendency of the suit between the parties. Assistant Commissioner, Bhatkal rightly described the matter in detail so it is not necessary to interfere with the order of Assistant Commissioner, Bhatkal.

Hence the following Order.

No. RB/RTR/CR-03/15-16

Date:19-09-2016

Order

Revision petition is dismissed. Assistant Commissioner, Bhatkal order No. RTS/AP/SR-126/12-13 dated: 04-12-2014 is upheld.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 19-09-2016)



*Shankar*  
19/9/16  
Deputy Commissioner,  
Uttara Kannada, Karwar.