

**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-23/2019-20**



**Between**

Sri. Nilkant Ghanshyam Pawar  
R/o Majali, Village, Taluk: Karwar  
(Represented through Advocate Sri.G.N. Jambavalikar)

....Revision Petitioner

V/s

Smt. Manasi Mahesh Pawar,  
R/o Majali Village, Taluk: Karwar,  
(Represented through Advocate Sri.C.D.Naik and V.G.Argekar )

... . 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/CR/55/2016-17 dated 18-8-2017 in respect of mutation entry No. A1888 and 117/2006-07 of Majali Village in Karwar Taluka.

**Preamble:**

The instant revision petition has been filed U/s 136(3) of Karnataka Land Revenue Act by Sri. Nilkant Ghanshyam Pawar, represented by her advocate Sri. G.N. Jambavalikar challenging the order of Assistant Commissioner, Karwar in file No. RTS/AP/CR/55/2016-17 dated 18-8-2017. Notices were issued to both the parties.

**Brief facts of the case are as hereunder:**

The petitioner claims that the suit Sy.No. 1503/7B an extent of 0-8-0 originally belongs joint family property of both the brothers Ghanshyam Nilkant Pawar and Vishwanath Nilkant Pawar. After their death there legal heirs (1) Nilkant Ghanshyam Pawar, (2) Ullas Ghanshyam Pawar (3) Mahabaleshwar Ghanshyam Pawar was inherited ½ right in the property and Sulochana Vishwanath Pawar, Premanand Vishwanath Pawar, Arun Vishwanath Pawar, Mahesh Vishwanath Pawar and Anil Vishwanath Pawar was inherited ½ right in the joint family property and accordingly their names were entered in the RTC respectively. As per partition made within the family and as per mutation entry A1888 of Majali Village dated: 08-02-2002 the legal heirs of Vishwanath Pawar were entered for entire land without the knowledge of revision petitioner. Subsequently, after the death of Mahesh Vishwanath Pawar the land was transfer in the name of his wife Manasi Mahesh Pawar as per mutation entry No. 117/2006-07 dated: 23-12-2006. Against these mutation entries the revision petitioner Nilkant Ghanshyam Pawar files an appeal before Assistant Commissioner Karwar. Assistant Commissioner Karwar rejected the appeal reasoning that title in respect of disputed land cannot be decided by revenue authorities and the appellatant was directed to approach Civil Court for further relief. Being aggrieved by this order the petitioner filed revision petition before this court.

**The Advocate for the petitioner argued that-**

1. The impugned order passed by the Assistant Commissioner Karwar is quiet contrary to law and true facts of the case.
2. The Assistant Commissioner, Karwar has failed to note that how the Tahasildar Karwar deleted the names of petitioner father from the RTC.
3. The Assistant Commissioner has not looked in to the old RTC produced in the case in which the names of the petitioner's father was appeared as owner of the ½ rights.

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4. The Assistant Commissioner has wrongly directed the petitioner to approach the Civil Court to seek is ½ rights and neglected the mistake committed by the Tahasildar Karwar.

5. The Assistant Commissioner passed the order on 18-08-2017 and this order was not pronounce the open court. This is illegal and not justified.

Hence the advocate for the petitioner requested to allow the revision petition and set aside the order of Assistant Commissioner Karwar.

**The Advocate for the respondent argued that-**

1. The revision petition is contrary to law and true facts of the case and is not maintainable as per law.

2. The contention of the revision petitioner is to give unnecessary harassment to the respondents family.

3. The revision petitioner has not filed the petition within the stipulated period he has filed the appeal after the delay of one year and has also not condoned the delay.

4. The respondent has got the rights as per inheritance mutation entry and her late husband name was entered in RTC as per family partition mutation entry No. A1888 as per law.

5. The revision petitioner should have claim the appeal at the time when Vishwanath Pawar name was entered in the RTC. The petition filed by the petitioner against the law.

6. The revision petitioner claims that the land was not divided as per the possession of the land owner. The matter of the sub-division of the suit land comes under the purview of Deputy Director of Land Records Uttar Kannada Karwar and not under the jurisdiction of revenue authorities.

7. The suit land was sub-divided as per family partition mutation entry No. A1888. The revision petitioner has not impleaded all the members of the joint family. But he have made only respondent as a party. On this basis the petition may be rejected.

8. The respondent is uneducated and poor lady taking undue advantage of this and to grab her property the petitioner have falsely filed an petition before Hon'ble Court.

Hence he requested to reject the petition

**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 land belongs to the respondent as per inheritance mutation entry No. 117/2006-07 dated: 23-12-2006. The suit land was muted in the name of respondent husband as per family partition mutation entry No. A1888. The advocate for the appellant has produced xerox copy of record of rights for the year 1998-99 and genealogy signed by him. But he has not produced any authenticated documents such as genealogy trees certified by Tahasildar Karwar. The Assistant Commissioner has rightly decided that the revenue authorities cannot decide title over disputed property they must get it declared through Hon'ble Civil Court. Hence, I proceed to pass the following order:

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

**Date: 01-02-2021**

**Order**

Revision Petition is dismissed.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on: 01-02-2021)



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

**Copy to:-**

1. Advocates Sri. G.N. Jambavalikar Sri.C.D.Naik and V.G.Argekar for information.
2. Assistant Commissioner, Karwar for information and necessary action with lower court records in No.RTS/AP/CR/55/2016-17 dated 18-8-2017 page No.1 to page No. 57.
3. Tahasildar Karwar for information and necessary action.

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