

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-9/2019-20

Between

1. Mahabaleshwar Ramkrishna Bhat
R/o Konal, Hegggar,
Taluk Ankola
(Represented through Advocate Sri. N.M. Madival)

....Appellants

V/s

1. Shri. Sudendra Ganesh Bhat
2. Shri. Kalpana Prabhakar Hegde
R/o Konal, Post: Hegggar,
Taluk Ankola
3. The Executive Engineer
KPC Kadra, Karwar
4. The Special Tahasildar
Rehabilitation, Kadra, Karwar
5. The D.D.L.R.
Karwar
(Represented through Advocates Sri. S.M. Pandit,
N.S. Bhat & D.R. Bhat)

.... Respondents

Sub: Appeal filed U/s 56 of Karnataka Land Revenue Act 1964 against the KJP and PT Sheet prepared in respect of Sy.No. 42E/100 of Hegggar village in Ankola Taluk.

Preamble:

The instant appeal has been filed U/s 56 of Karnataka Land Revenue Act 1964 against the endorsement No. 50/500/(2) ಭೂಮಾ-ಎಇ-131/19-20 dated 25-09-2019 given by DDLR Karwar. Notices were issued to both the parties.

Brief facts of the case are as hereunder:

As per the government notification dated 28-12-1995 the Special Tahasildar (Reh) Kadra vide his order dated 10-12-1997 granted an extent of 3-0-0 land in Sy.No. 42E/100 of Hegggar village to Gajanan Anant Bhat under the scheme of rehabilitation of land losers to KPC Project. As per the grant order, Taluk Surveyor prepared the grant map and KJP. After the completion of the grant conditions, Grantee Gajanan Anant Bhat sold the suit property to the appellants through registered sale deed dated 30-06-2016. Now the contention of the appellants is that there is discrepancy between the PT Sheet and wahiwati area. So the appellant moved an application to DDLR Karwar. But DDLR Karwar vide his letter dated 25-09-2019 gave endorsement to file appeal before Deputy Commissioner. So the appellant filed the instant appeal before this Court.

The advocate for appellant orally argued that-

1. One Gajanan Anant Bhat was granted an extent of 3-0-0(A-G-A) in Sy.No. 42E/100 of Hegggar village in Ankola Taluk by Special Tahasildar (Reh) Kadra under the scheme of rehabilitation of land losers to KPC Project. As per the grant order map was prepared. On the basis of the KJP, PT Sheet was prepared. But the PT Sheet and the area owned by the appellant does not tally. So the appellant moved an application to DDLR to set aside the impugned KJP map.
2. DDLR Karwar gave an endorsement stating that the KJP has been countersigned by him only. So directed the appellant to file appeal before the Deputy Commissioner.

Hence, on the above among other grounds, the appellant requested to set aside the PT Sheet and KJP map.

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The advocate for respondent No. 1 argued that-

1. The appeal is contrary to law and facts of the case.
2. The appellant's prayer is to set aside the grant dated 03-11-1993. Appeal is filed on 04-11-2019. There is no sufficient grounds to condone the delay of 26 years.
3. The appellant is aware about the KJP prepared by respondent No. 5 in respect of the lands granted to different persons. There is no difference between the original survey map and KJP.
4. The suit land was granted to one Gajanan Anant Bhat by Special Tahasildar (Reh) Kadra under the scheme of rehabilitation of land losers to KPC Project. As per the grant order survey map was prepared. Gajanan Bhat was in lawful possession of the suit land on 31-07-2018. The appellant purchased the land through registered sale deed. The land of appellant is adjoining to the land of respondent No. 1. Now the appellant's intention is only to disturb the lawful possession of the respondent.
5. There is no such documents to that effect that there is difference between the original map and KJP.

Hence, on the above among other grounds, the respondents requested to dismiss the appeal.

On perusal of the Appeal memo and the documents available in the case, it reveals that the suit land was granted to one Gajanan Anant Bhat. As per the Kabulayat survey map was prepared. After the completion of the grant condition Gajanan Bhat sold the property to the appellant. Now the contention of the appellant is that the PT Sheet and actual possession does not tally. So he moved application to DDLR to set aside the PT Sheet and as per the endorsement of the DDLR, the appellant filed the instant appeal. As per the order of the DDLR dated 25-09-2019, it is proved that there is discrepancy between PT Sheet and Wahiwati area. Hence, the following:

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Date:01-02-2021

Order

Appeal is allowed. Matter remanded to Deputy Director of Land Records, Uttara Kannada, Karwar.

(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. N.M. Madhwal & S.M. Parda, N.S. Bhat and D.R. Bhat for information.
2. Deputy Director of Land Records, Karwar for information and necessary action with Lower court file no. ಕಂ/ಆಂ/ಭೂಮಾಪನ/ ಭೂದಾಖಲೆ/ಮೇಲ್ಕನವಿ5/18-19 dated 29-11-2018 page No. 1 to page No. 56.
3. Special Tahasildar (Reh) Karwar for information and necessary action.