

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/19/2020-21

Between

1. Laxman Durgayya Devadiga, since deceased by his LRs

- a) Smt. Masti Kom Laxman Devadiga
- b) Sri. Mohan Laxman Devadiga
- c) Smt. Bhavani Laxman Devadiga Yane Nayana Kom Sagar Kasekar
- d) Smt. Sumitra Kom Jayadev Chitrapur
- e) Parvati Kom Manjunath Devadiga

2. Timmayya Durgayya Devadiga, since deceased by his LRs

- a) Smt. Masti Kom Timmayya Devadiga
- b) Maruti Timmayya Devadiga
- c) Nagesh Timmayya Devadiga
- d) Annappa Timmayya Devadiga

3. Narayan Durgayya Devadiga, since deceased by his LRs

- a) Smt. Masti Kom Narayan Devadiga
 - b) Ganapati Narayan Devadiga
 - c) Smt. Subbi Kom Mahadev Devadiga
 - d) Jogi Narayan Devadiga
 - e) Smt. Padmavati Narayan Devadiga
 - f) Durgadas Narayan Devadiga
- All are R/o Bangarmakki, Bengre-1 village,
Bhatkal Taluk (U.K.)
(Represented through Advocate Sri. Nagesh G. Gaddemane)

....Appellants

V/s

1. Assistant Commissioner
Bhatkal Sub-Division, Bhatkal
2. Tahasildar, Bhatkal
3. Revenue Inspector
Mavalli, Bhatkal
4. Village Accountant
Bengre-1 village, Bhatkal

.... Respondents

Sub: Appeal filed U/s 49 of Karnataka Land Revenue Act 1964 against the order of Assistant Commissioner, Bhatkal in file No. RTS/AP/SR-16/2016-17 dated 22-02-2018.

Preamble:

The instant appeal has been filed U/s 49 of Karnataka Land Revenue Act 1964 against the order of Assistant Commissioner, Bhatkal in file No. RTS/AP/SR-16/2016-17 dated 22-02-2018.

Brief facts of the case are as hereunder:

The appellants are legal representatives of late Laxman Durgayya Devadiga, Timmayya Durgayya Devadiga and Narayan Durgayya Devadiga. According to them, 0-10-11 (A-G-A) out of 0-12-0 (A-G-A) of land in Sy.No. 554/3 of Bengre-2 village of Bhatkal taluk was granted by the Land Tribunal Bhatkal to late Laxman Durgayya Devadiga, Timmayya Durgayya Devadiga and Narayan Durgayya Devadiga as per order in LRM No. 4/188 and accordingly Form No. 10 was also issued in their favour. The grievance of the appellants is that, despite issuing Form No. 10, the name of Karnataka State continued in the RTC and hence, they preferred appeal before the Assistant Commissioner, Bhatkal for the necessary correction in the RTC. But the appeal was dismissed holding that the Tahasildar Bhatkal failed to produce the concerned documents in the proceedings before the Land Tribunal.

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Being aggrieved by the order of the Assistant Commissioner, the appellants preferred appeal before this Court on various grounds.

The appeal memo is accompanied by delay condonation application supported by affidavit. The reasons stated in the affidavit are accepted and delay is condoned.

The Advocate for the appellants argued and submitted that the Assistant Commissioner ought not to have dismissed the appeal only on the grounds that the Tahasildar failed to produce the relevant documents.

The point for consideration before this Court is-

1. Whether there are sufficient grounds to interfere with the impugned order passed by the Assistant Commissioner Bhatkal?

Ans. In the Affirmative.

On hearing the learned counsel for the appellants and also on perusal of the entire case papers, it is apparent that the Assistant Commissioner dismissed the appeal only on the ground that the Tahasildar failed to produce the relevant documents of the Land Tribunal proceedings. But the Assistant Commissioner ought to have issued notice to the concerned land tribunal to produce entire records before him and also ought to have directed the appellants to produce copy of the relevant documents. But no such effort appears to have been made in this case. Hence, this is a fit case to allow the appeal and remand the matter to the Assistant Commissioner, Bhatkal to dispose of the matter afresh after giving notice to both parties and also by following the instructions given herein above. Hence, I proceed to pass the following order:

No. RB/RTR/CR/19/2020-21

Date:01-02-2021

Order

Appeal allowed. The matter is remanded to the Assistant Commissioner to dispose of the matter afresh by following the above guidelines.

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



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

Copy to:-

1. Advocate Sri. Nagesh G. Gaddanur for information.
2. Assistant Commissioner, Bhatkal for information and necessary action.
3. Tahasildar Bhatkal for information and necessary action.