

**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-10/2020-21**

**Between**

Sri. Ashok Dattatray Joshi  
Near Marine Biology, P.G. Centre,  
Karwar.

**....Revision Petitioner**

V/s

1. Chaitanya Dattatraya Joshi  
Near Marine Biology, P.G. Centre,  
Kodibag, Karwar.
2. The Branch Manager  
K.S.F.C. Branch, Karwar.
3. The Managing Director,  
K.S.F.C. Head Office,  
Bengaluru.
4. The Speical Tahasildar  
K.S.F.C., Recovery,  
Navnagar, Hubli.
5. The Tahasildar,  
Karwar Taluk, Karwar  
(Represented through Advocate Sri G.N. Jambavalikar)



**.... Respondents**

**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/96/2018-19 dated 13-09-2019.

**Preamble:**

The instant revision petition has been filed U/s 136(3) of Karnataka Land Revenue Act against the order of Assistant Commissioner, Karwar in file No. RTS/AP/CR/96/2018-19 dated 13-09-2019.

Notices were issued to both parties. The petitioner entered appearance in person. Respondent No. 1 to 3 entered appearance through their respective counsel.

**The facts in brief relevant for disposal of this revision petition are as hereunder:**

That the property in dispute measuring 0-10-0 (A-G-A) of land in Sy.No. 85B/2A of Kodibag village Karwar taluk originally belonged to late Manorama Dattatraya Joshi, the unmarried sister of revision petitioner Ashok Dattatraya Joshi and respondent No. 1 Chaitanya Dattatray Joshi. Said Manorama Dattatraya Joshi bequeathed her properties including the disputed land in favour of 1<sup>st</sup> respondent Chaitanya Dattatraya Joshi vide registered Will dated 18-04-1996. Said Manorama Dattatraya Joshi died and the 1<sup>st</sup> respondent Chaitanya Dattatraya Joshi got the Will probated by filing petition in Civil Miscellaneous No. 36/2014 before the Court of Hon'ble District & Sessions judge. The petition was allowed and probate was granted vide order dated 20-10-2014. Before that, during the life time of Manorama Dattatraya Joshi, the revision petitioner Shri. Ashok Dattatraya Joshi had borrowed loan from KFSC Karwar. Late Manorama Dattatraya Joshi stood guarantor to the loan and hence, the title deeds of the disputed land and her other properties were kept with KSFC authorities as security to the loan resulting in creating charge over the above said land. Hence, as per MR No. 9353, in column No. 9 of the RTC, it was entered as Karnataka Sarkara and charge was created in respect of the disputed land in column No. 11 of the RTC. Later, though the entire loan was cleared in full and final settlement, the entries in column No. 9 and 11 of the RTC were not deleted. The jurisdictional Tahasildar insisted the 1<sup>st</sup> respondent Chaitanya Dattatraya Joshi to produce loan clearance certificate before him. Hence, the 1<sup>st</sup>

ay

respondent Chaitanya Dattatraya Joshi filed appeal before the Assistant Commissioner Karwar. The appeal was allowed vide order dated 13-09-2019.

Aggrieved by the order of the Assistant Commissioner Karwar, the revision petitioner preferred this revision petition before this Court on various grounds.

Along with revision petition, the petitioner has filed application for condonation of delay in filing the revision petition. Perused the application and the reasons stated therein for the delay in filing the revision petition. The reasons are accepted and delay is condoned.

**The revision petitioner submitted arguments as hereunder -**

1. The impugned order passed by the Assistant Commissioner is contrary to law and true facts of the case and it is illegal.
2. The order passed by the Assistant Commissioner is in violation of natural justice
3. The Assistant Commissioner failed to note that the order passed by the Hon'ble District & Session Judge Karwar granting probate in P& S.P. No. 3/2013 on the file of Hon'ble District & Session Judge Karwar was later challenged by the petitioner in civil Miscellaneous No. 36/2014.
4. The respondent No. 1 Chaitanya Dattatraya Joshi did not implead all his brothers and sisters in the appeal before the Assistant Commissioner
5. The impugned order passed by the Assistant Commissioner is not sustainable in the eye of law.

Hence on these among other grounds, the revision petitioner requested to allow the revision petition.

The learned counsel for respondent No. 2 & 3 has argued that KSFC authorities have already intimated respondent No. 3 Special Tahasildar KSFC Recovery, Navanagar Hubali and the Special Tahasildar has already passed orders for deleting the charge and also name of the Karnataka Government in the relevant columns of the RTC.

In support of his argument, learned counsel filed a memo with copy of the order passed by the Tahasildar.

The learned counsel for respondent No. 1 has argued in support of the impugned order passed by the Assistant Commissioner.

**The point for consideration before this Court is-**

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

Ans. In the Negative.

After hearing the learned counsel for both parties in the background of the lower Court records, it is seen that the land in dispute originally belonged to the unmarried sister of petitioner Ashok Dattatraya Joshi and respondent No.1 Chaitanya Dattatraya Joshi. She had bequeathed the disputed land along with other properties in favour of respondent No. 1 Chaitanya Joshi under registered Will dated 18-04-1996. After the death of Manorama Dattatray Joshi, 1<sup>st</sup> respondent got probated the Will vide order dated 20-10-2014 passed by the Hon'ble District & Session Judge Karwar in P & S.P. No. 3/2013. Of course, the petitioner has contended that he has challenged the order of the Hon'ble District & Session Judge Karwar by filing Miscellaneous Application No. 36/2014. But there is no stay order granted by the Hon'ble Court. Further, there is also no dispute that the entire loan of KSFC was later cleared and consequently, based on the request of KSFC, the respondent No. 3 Special Tahasildar, KSFC Recovery, Navanagar Hubali and the Special Tahasildar has already passed order for deleting the charge and also name of the Karnataka Government in the relevant columns of the RTC. Taking into



ay  
f

considerations all these facts together, I do not find any error committed by the Assistant Commissioner in allowing the appeal and in issuing necessary directions to the Tahasildar. There are no valid grounds to allow the revision petition. Consequently, I proceed to pass the following.

No. RB/RTR/CR-10/2020-21

Date:01-02-2021

**Order**

Revision petition is dismissed. The order no RTS/AP/CR/96/2018-19 dated 13-09-2019 passed by the Assistant Commissioner, Karwar is upheld.

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



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

Copy to:-

1. Advocate Sri G. N. Jambavalikar for information.
  2. Assistant Commissioner, Karwar for information and necessary action with Lower court File no. RTS/AP/CR/96/2018-19 dated 13-09-2019 page No. 1 to 3.
- Tahasildar Karwar for information and necessary action.

*Handwritten signature*

