

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-13/2019-20

Between

Sri. Herambha S/o Ramkrishna Hegde
R/o Illumane, Mattigar village,
Sirsi Taluk
(Represented through Advocate Sri. P.B. Tandel)

Appellant

V/s

1. The Deputy Director of Land Records
Uttara Kannada, Karwar
2. The Assistant Director of Land Records
Sirsi Taluk
3. Sri. Manjunath S/o Ramkrishna Hegde
4. Sri. Shridhar S/o Venkatraman Hegde
5. Sri. Shivram S/o Narayan Hegde
R 3 to 5 are R/o of Illumane, Mattigar village
Sirsi Taluk



.... Respondents

Sub: Appeal filed U/s 50 of Karnataka Land Revenue Act 1964 against the Hissa Phodi in Sy.No. 240/1A and 240/1B of Mattigar village in Sirsi Taluk.

Preamble:

The instant appeal has been filed U/s 50 of Karnataka Land Revenue Act 1964 against the order of Deputy Director of Land Records in file No. ಕಂ/ಕಾರ/ಪೂವಾಪಸ/ಭೂದಾಖಲೆ/ಮೇಲ್ವಿಳಿ/31/17-18 dated 29-08-2018. Notices were issued to both parties.

Brief facts of the case are as hereunder:

The appellant and respondents are relatives and adjacent land holders of the suit land. The appellant had filed an appeal before DDLR Karwar against the Hissa Form issued by ADLR Sirsi vide order No. MPR/259/77 and the DDLR Karwar vide his order dated 29-08-2018 dismissed the appeal. Being aggrieved by this order the appellant filed the instant appeal before this Court.

The advocate for the appellant orally argued that-

1. The appellant has preferred the appeal against the phodi made in respect of Sy.No. 240/1A and 240/1B of Mattigar village in Sirsi Taluk.
2. The lower Court failed to observe that appellant is the owner of Sy.No. 240/1A of Mattigar village.
3. The lower Court failed to observe that during the bifurcation of Sy.No. 240/1A an area of 1-10-0 (A-G-A) was mentioned in Form No. 4 and 11 instead of 1-12-8 (A-G-A). It is evident from the revision settlement and Aakar bandh for the year 1965-66. M.E. No. 1331 dated 07-01-1968 was mutated to an extent of 1-12-8 (A-G-A).
4. ADLR Sirsi has wrongly considered the area of Sy.No. 240/1B as 1-15-0 (A-G-A) instead of 1-12-8 (A-G-A) and the owner of the said land Shivaram Narayan Hegde was wrongly shown as respondent No. 4.
5. The relationship between the appellant and respondent No. 3 & 4 is not good. So he placed them as respondents.

Hence, on the above among other grounds, the appellant has requested to allow the appeal.

ay
T.

The respondents orally argued to dismiss the appeal.

On perusal of the Lower Court records and the order of the DDLR, it reveals that the ownership rights of Sy.No. 240/1A of Mattigar village held with Manjunath Ramkrishna Hegde, Heramba Ramkrishna Hegde and Shridhar Venkatraman Hegde and the ownership right of Sy.No. 240/1B of Mattigar village lies with Shivram Narayan Hegde. Hissa Phodi of Sy.No. 240/1 was divided in to two hissa i.e Sy.No. 240/1A and 240/1B as per order of the ADLR Sirsi at No. MPR/259/77. This phodi has been challenged after a period of 40 years and no sufficient cause has been given for condonation of delay. Hence it is not necessary to interfere with the order of the DDLR. Hence, I proceed the following order

No. RB/TECH/CR-13/2019-20

Date: 01-02-2021

Order

Appeal is dismissed.



^{ay}
Deputy Commissioner,
Uttara Kannada, Karwar.

1. Advocates Sh. N.M. Madival & P.D. Pawaskar for information
2. Director of Land Records, Sirsi for information and necessary action with Lower court file no. ಕಂ/ಕಾಂ/ಭೂಮಾಪನ/ಭೂದಾಖಲೆ/ಮೇಲ್ಮನವಿ/31/17-18 dated 29-08-2018 page No. 1 to page No. 94.
3. Tahasildar Sirsi for information and necessary action.

^{ay}
-f