

**IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR**

**Present: Sri. S S Nakul, I.A.S.**  
Deputy Commissioner,  
Uttar Kannada, Karwar.

**No. RB/RTR/CR-28/14-15**



**Between**

1. Sri. Ruzar bin Badatol D'souza  
R/o Mundalli Tq: Bhatkal  
(Represented through Advocate Sri N. S. Bhat)

**.... Revision Petitioners**

V/s

1. Assistant Commissioner, Bhatkal
2. Tahashildar Bhatkal
3. Sri. Kuppu Kom Narayan Devadiga
4. Smt. Khalif Bibi Khatija Kom Mohiddin Sab
5. UFM Devamma Kom Paramayya Devadiga
6. Sri. Venkatraman Bin Nagayya Devadiga
7. Sri. Govind Bin Nagayya Devadiga
8. Sri. Manjayya Bin Balindra Devadiga
9. Sri. Keshav Bin Balindra Devadiga
10. Sri Subray Bin Sannakusa Devadiga
11. Sri Subray Bin Balindra Devadiga  
(All are R/o Mundalli Tq: Bhatkal)  
(R7 is Represented through Advocate Sri. N. M. Madival)

**.... Respondent**

**Sub:** Revision petition filed u/s 136(3) of KLR Act 1964 regarding RTC Durasti in respect of Sy. no. 196/2 and 196/3 of Mundalli Village in Bhatkal Taluk.

**Preamble:**

The instant revision petition has been filed against the order of Assistant Commissioner, Bhatkal in file no. ಆರಟಿಸಿ/ತಿದ್ದುಪಡಿ/ಎಪಿ/ಎಸ್ಆರ್-9/12-13 dated: 27-6-2013. Notices were issued to both parties.

**The brief facts of the case are as follows:**

The revision petitioner filed an application to Tahashildar Bhatkal for RTC Durasti in respect of the suit property. After due enquiry Tahashildar Bhatkal vide his letter dated 5-1-2013 sent a report to Assistant Commissioner, Bhatkal for RTC Durasti. Accordingly Assistant Commissioner, Bhatkal vide his order dated 27-6-2013 ordered for RTC durasti. Being aggrieved by this order the revision petitioner filed the instant revision petition before this court.

**The advocate for the appellant argued that**

1. The impugned order passed by Assistant Commissioner is contrary to law and facts of the case.
2. The appellant moved an application to Tahashildar Bhatkal to make survey of the land as per his waiwati and to furnish the PT Sheet. But Tahashildar Bhatkal and Assistant Commissioner, Bhatkal ordered for RTC Durasti.
3. Assistant Commissioner, Bhatkal has passed the order without giving any opportunity to the appellant.
4. The appellant got his share rightly entered in the RTC as per his waiwati. The Civil court has also issued Temporary Injunction regarding this suit property.

5. As per the KDT the suit property is rightly entered in the RTC in respect of Sy. No. 196. The appellant requested only to demark his boundaries as per his waiwati.
6. Assistant Commissioner Bhatkal has passed the order without permission of the Deputy Commissioner or Survey Authority.
7. Assistant Commissioner, Bhatkal has wrongly considered the application as appeal and passed the impugned order. Hence he requested to set aside the order of Assistant Commissioner, Bhatkal.

The Advocate for the respondents not filed any written or oral argument though they were given many opportunities.

After the perusal of the Lower Court records and written argument of the revision petitioner it reveals that the appellant has given an application to Tahashildar Bhatkal for survey and to demark his boundaries. After getting report from Taluka Surveyor and Revenue Inspector, Tahashildar Bhatkal submitted a report to Assistant Commissioner, Bhatkal stating that as per RTC the total area consisted of 4 hissas out of 1-26-2 (A-G-A). But per KDT the extent is 1-26-0(A-G-A). So requested to order for RTC Durasti. Accordingly Assistant Commissioner, Bhatkal passed order on 27-6-2013. But it is evident from the records that on 25-11-2014 the Addl Civil Judge Bhatkal has issued Temporary Injunction against the respondents when the same matter is pending before Hon'ble Civil Judge Jr. Dn and JMFC Bhatkal. When the matter is sub judice, it is not proper to pass order by revenue courts.

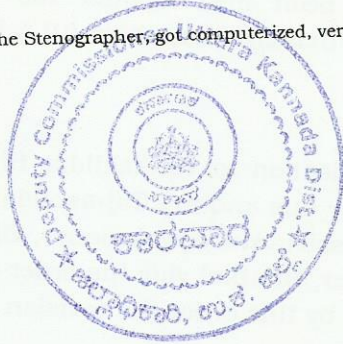
**No. RB/RTR/CR-28/14-15**

**Date: 27-02-2017**

**Order**

Revision Petition is disposed with direction to both sides to approach Tahasildar for mutation after OS No. 98/2014 is settled in the Civil Court.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 27-02-2017)



*[Handwritten Signature]*  
**Deputy Commissioner,  
 Uttar Kannada, Karwar.**

**Copy to:-**

1. Advocate Sri Sri N. S. Bhat and Sri. N. M. Madival for information.
2. Assistant Commissioner, Bhatkal for information and necessary action with Lower court in file no. ಆರಟಿಸಿ/ತಿದ್ದುಪಡಿ/ಎಪಿ/ಎಸ್ಆರ್-9/12-13 dated: 27-6-2013 page No.1 to page No.
3. Tahasildar Bhatkal for information and necessary action.