

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-03/2014-15



Between

1. Smt. Parvati Kom Ira Haller
R/o Kumbarkeri, Manki Tq: Honnavar
2. Smt. Gouri Kom Ganapa Haller
represented through G.P.A Holder
Sri Krishna Ira Haller
R/o Mundalli Tq: Bhatkal
(Represented through Advocate Sri. R. S. Hegde)

.... Revision Petitioners

V/s

1. Smt. Kuppu Kom Jatta Naik since deceased legal heirs
- A. Sri. Jatta Narayan Naik
- B. Sri. Jayant Jatta Naik
- C. Sri. Ganesh Jatta Naik
- D. Smt. Leelavati Jatta Naik
All are R/o Mundalli (Ambarhitlu), Susagadi Village,
Tq: Bhatkal.
2. Tahashildar Bhatkal
3. Revenue Inspector, Susagadi
4. Village Accountant, Mundalli
(Represented through Advocate Sri. B. K. Naik)

.... Respondents

Sub: Revision petitioner filed u/s 136(3) of Karnataka Land Revenue Act-1964 against the certification of Mutation entry no. 8368/2003-04 in respect of Sy no. 125/2 an extent of 0-12-0 (A-G-A) of Mundalli village in Bhatkal Taluka.

Preamble:

The instant revision petition has been filed against the order of Assistant Commissioner, Bhatkal in file No.RTS-AP-SR-87/2011-12 dated: 5-12-2013 notices were issued to both parties.

The brief facts of the case are as follows.

Originally the suite land Sy.No 125/2 an extent of 0-12-0 (A-G-A) of Mundalli village in Bhatkal Taluka was a tenanted land and as per the Land Tribunal Order no. LRM14/217-465 dated: 29-7-1978 the name of Smt. Laxmi Kom Sannahudga Naik the mother of Respondent no.1 was mutated in the suit property after her death as per inheritance mutation entry no. 8368/2003-04 the name of Kuppu Kom Jatta Naik was mutated as legal heir. Against the certification of this entry revision petitioner filed an appeal before Assistant Commissioner, Bhatkal and Assistant Commissioner, Bhatkal in his order dated: 5-12-2013 dismiss the appeal reasoning that decision regarding tenancy rights does not come under his court jurisdiction. Being aggrieved by this order revision petitioner filed an instant revision petition before this court.

The argument of the Advocate for petitioner are as follows :

1. The mutation entry no. 5409 dated: 14-12-1977 clearly shows that the suit land belongs to schedule caste persons it is the duty of revenue and police department to save guard their rights and privileges. Nine families residing in the suit land and they are illegally tried to be evicted by appointing receiver. This was challenged before the session and fast track court and court does not accept the contention of the petitioner. Against this the petitioners approached the Hon'ble High Court of Karnataka Bangalore and Hon'ble High Court quashed the order.
2. In the year 2010 criminal case no. 2/2010 was lodged before Hon'ble District and Session Court Uttara Kannada, Karwar against the all residents of Hallers and also they were acquitted. Further the court held that the land is not an agricultural land and it is house sites. Now Kuppu Kom Jatta Naik is no more and the revenue officers are referring the Tribunal order without jurisdiction and which is not applicable.

Hence he requested to allow the appeal.

The Advocate for Respondent did not produced any written or oral arguments after giving multiple opportunities by the court dated 23-5-2016, 11-7-2016, 26-9-2016, 24-10-2016, 21-11-2016 and 9-1-2017. So it was decided to dispose the case on the merits and records available on file.

The question before this court is :-

1. Whether the prayer of the revision petitioner can be considered ?

Ans:- Negative.

On perusal of the lower court records written arguments of revision petitioner it reveals that the suit land Sy.No 125/2 an extent of 0-12-0 (A-G-A) of Mundalli village in Bhatkal Taluka is a tenanted land and one Smt. Kanne Kom Sankusa Haller was a tenant. The revision petitioner are the legal heirs of Smt. Kanne Kom Sankusa Haller. The land tribunal by his order no. LRM-SR-14-217-465 dated: 20-1-1988 order the suit land as Karnataka Sarkara but it was challenged by Smt. Laxmi Sankusa Naik the mother of respondent no. 1 before Hon'ble High Court of Karnataka and the Hon'ble High Court of Karnataka by his order dated 16-7-1999 quashed order of land tribunal. Assistant Commissioner Bhatkal rightly held that in his order no. RTS-AP-SR-87/2011-12 dated: 5-12-2013 that decision regarding tenancy rights does not come under his court jurisdiction. The question before this court is to decide on a matter which is purely a subject matter of land tribunal. Hence this matter does not come under the jurisdiction of the revenue court. Hence I proceed the following order.

No. RB/RTR/CR-03/2014-15

Date:20-3-2017

Order

Revision petition is dismissed and Assistant Commissioner, Bhatkal order no. RTS/AP/SR-87/2011-12 dated 5-12-2013 is upheld.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 20-3-2017)



[Signature]
20/3
Deputy Commissioner,
Uttara Kannada, Karwar.

py to:-

1. Advocate Sri. R. S. Hegde and Sri.B. K. Naik for information.
2. Assistant Commissioner, Bhatkal for information and necessary action with Lower court file No. RTS/AP/SR-87/2011-12 dated: 5-12-2013. page No.1 to page No.
3. Tahasildar Bhatkal for information and necessary action.

