

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-21/15-16



.... Revision Petitioner

**Between**

1. Sri Shekhayya Shivajogi Math  
R/o Chipagi Tq: Mundgod  
(Represented through Advocate Sri. M. M. Malajja)

**V/s**

1. Sri. Virupaksha Chennabasaiah Shivajogi Math  
R/o Chigalli Tq: Mundgod
2. Assistant Commissioner, Sirsi

.... Respondents

**Sub:** Revision petition filed u/s 136(3) of Karnataka Land Revenue Act 1964 against the Mutation Entry no. 1877 in respect of Sy no. 98 an extent of 10-1-0 (A-G-A) of Chipagi village in Mundgod Taluk.

**Preamble:**

The instant revision petition has been filed against the order of Assistant Commissioner, Sirsi in file No.RTS-AP-CR-95-2013-14 dated: 7-9-2015. Notices were issued to both parties.

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

Originally the suit property belonged to one Sangayya Chennabasaiah Shivajogi Math, who was father of the petitioner and grandfather of the respondent. After the death of Sangayya Chennabasaiah Shivajogimath the name of the revision petitioner was mutated to the suit property as undivided Family property and Shekayya Sangayya Shivajogimath was family manager vide Mutation entry no. 1877. Respondent objected it before Assistant Commissioner Sirsi and Assistant Commissioner Sirsi by his order dated 7-9-2015 cancelled the impugned mutation entry no. 1877 dated 26-6-1979. Being aggrieved by this order the petitioner filed the instant revision petition before this court.

**The argument of the Advocate for revision petitioner are as follows :**

1. Originally the suit property is undivided family property of the late Sangayya Shivajogimath.
2. After the death of Late Sangayya Shivajogi math the name of revision petitioner was mutated as undivided family manager to the suit property vide mutation entry no. 1877.
3. Late Sangayya Shivajogi math got nine legal heirs, out of which Sl. no. 2, 3 and 4 are daughters. They got married and they have given up their rights. So the name of revision petitioner was mutated as undivided family manager.
4. The revision petitioner cultivating the land since many years as per Hindu Law he got right to raise loan on the property for its development. Already the petitioners

name is entered as undivided family manager. So it is not necessary to enter the names of other legal heirs.

5. The respondent has filed appeal before Assistant Commissioner Sirsi and Assistant Commissioner has wrongly upheld the appeal already OS No. 106/2014 has filed before Civil Court Mundgod, regarding this matter. But without considering this Assistant Commissioner has wrongly upheld the appeal.

Hence he requested to dismiss the order of Assistant Commissioner Sirsi.

The respondent has not filed any written or statement through he was given opportunities dated 8-8-2016, 24-10-2016, 21-11-2016 and 9-1-2017. Finally it has been decided to dispose the case with the documents available in the case and on merit.

**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 and written argument of the petitioner it reveals that the suit land Sy no. 98 an extent of 10-01-0 (A-G-A) of Chigalli village in Mundgod Taluka is undivided Family property. The petitioner has admitted that he is the undivided Family manager. The undivided Family Manager holds the property as a representative of the entire family and this status can be revoked as per the request of the other family members. The status of the undivided family manager can be revoked at any point of time. Further as per Hindu Succession Act all legal heirs are eligible for share in the property. Assistant Commissioner Sirsi has rightly ordered to cancel the entry subject to the order to be passed in OS No. 106/2014 by JMFC Court Mundgod. Hence I proceed the following order.

No. RB/RTR/CR-21/2015-16

Date: 27-3-2017

**Order**

Revision petition is dismissed. Assistant Commissioner, Sirsi order No. RTS-AP-CR-95-2013-14 dated: 7-9-2015 is upheld.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 27-3-2017)



*[Signature]*  
27/3/17  
Deputy Commissioner,  
Uttara Kannada, Karwar.

**Copy to:-**

1. Advocate Sri. M. M. Malappa for information.
2. Assistant Commissioner, Sirsi for information and necessary action with Lower court file No. RTS-AP-CR-95-2013-14 dated: 7-9-2015. page No.1 to page No.
3. Tahasildar Mundgod for information and necessary action.