

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

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

No. RB/Tech Appeal/CR-05/17-18



Between

1. Shri Gangadhar Durgappa Naik
 2. Shri Manjunath Durgappa Naik
- Both are R/o Hiremane Taluk: Bhatkal
(Represented through Advocate Sri N. M Madiwal)

.... Appellant

V/s

1. Tahasildar Bhatkal
2. DDLR Karwar

.... Respondents

Sub: Appeal filed u/s 56 of KLR Act 1964 against the P. T Sheet and K.J.P prepared regarding Sy No.87A of Venkatapur Village in Bhatkal Taluk.

Preamble:

The instant appeal has been filed against the P.T Sheet and K.J.P prepared by Tahasildar Bhatkal in respect of Sy No. 87A of Venkatapur Village. Notices were issued to both parties.

The brief facts of the case are as follows:

An extent of 3-0-0 (AGA) forest land in Sy No.87A of Venkatapur Village in Bhatkal Taluk was granted to Durgappa Hariya Naik by Deputy Commissioner Uttara Kannada Karwar order No.ಕಂಪಾ/ಅರಣ್ಯ/ವಿವ-9 dated: 26-8-1995 and Kabulayat letter was issued on 16-10-1995. As per the K.J.P prepared by Tahasildar Bhatkal late Durgappa Naik became the owner of Sy No. 87A/13/1 to an extent of 3-0-0 area. After the death of Durgappa Naik the appellants became the legal heirs. But their contention is that the P.T Sheet and K.J.P prepared by Tahasildar Bhatkal is not tally with the original grant map. The P.T Sheet and K.J.P prepared by Survey Department. So the appellants filed an application to DDLR Karwar to set aside the K.J.P and DDLR Karwar vide his letter dated: 7-2-2017 gave an endorsement to file appeal before this court. So the appellants filed the instant appeal before this court.

The advocate for the appellant orally argued to set aside the P.T sheet and K.J.P Prepared by Tahasildar Bhatkal.

On perusal of the appeal memo and the records available in the case reveals that as per Deputy Commissioner Karwar order No. ಕಂಪಾ/ಅರಣ್ಯ/ವಿವ-9 dated: 26-8-1995 an extent of 3-0-0 forest land in Sy No.87A of Venkatapur was granted to Durgappa Naik the father of the appellants. As per the grant order map was prepared. There after Tahasildar Bhatkal prepared the K.J.P and P.T Sheet. But the K.J.P and actual possession held by the appellants does not tally each other. So they filed application before DDLR Karwar and DDLR Karwar in his letter No. ಕ್ರಸಂ/ತಾಂ(1)/ಭೂಮಾ/193/16-17 dated: 7-2-2017 gave an endorsement stating that the impugned P.T Sheet is

counter signed by him. So he directed the appellant to file appeal before Deputy Commissioner, Uttar Kannada Karwar.

It is evident from the records that there is discrepancy between the waivati and the P.T Sheet. So a fresh P.T Sheet is prepared after following due process.

Hence the following order

No.RB/Tech-Appeal/CR-05/17-18

Date: 26-03-2018

Order

Appeal is allowed. The P.T Sheet and K.J.P under dispute are set aside with direction to Tahasildar Bhatkal to conduct fresh survey and K.J.P after following due process as laid down in the Karnataka Land Revenue rules 1966.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 26-3-2018)



**Deputy Commissioner,
Uttar Kannada, Karwar.**

Copy to:-

1. Advocate Sri N. M Madiwal for information.
2. Deputy Director of Land Records Uttar Kannada, Karwar for information and necessary action.
3. Tahasildar Bhatkal for information and necessary action with Lower court records pertaining to Venkatapur Village Sy No. 87A and Mutation Entry file no.1963. Page No. 1 to page No.36.