

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

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

No. RB/LND/ALN-1/CR-4/18-19

Between

1. Sri. Dharma Timmappa Naik
R/o Melina Idagunji Taluk: Honnavar
(Represented through Advocate Sri.N.S Bhat)

.... Appellant

V/s

1. Tahasildar Honnavar
2. Sri. Venkatesh Timmappa Naik
R/o Melina Idagunji Taluk: Honnavar
3. Sri. Jagadish Ganapathi Naik
R/o Karki Taluk: Honnavar
(Represented through Advocate Sri R. S Hegde Gali)

.... Respondents

Sub: Appeal filed u/s 136(3) of Karnataka Land Revenue Act 1964 against the Deputy Commissioner Uttar Kannada order No. ALN-1/Viva-462/15-16 dated: 18-11-2016.

Preamble:

The instant appeal has been filed against the order of Deputy Commissioner Uttar Kannada order No. No. ALN-1/Viva-462/15-16 dated: 18-11-2016. Notices were issued to both parties.

The brief facts of the case are as follows:

Sy No. 163/4 en extent of 0-10-0 was converted to non agriculture land for commercial purpose as per Deputy Commissioner Uttar Kannada Karwar dated: 18-11-2016. The Contention of the appellant is that respondent No. 2 Sri. Venkatesh Timmappa Naik have converted the land without informing joint owners of the Sy No. 163/4 and Sri Venkatesh Timmappa Naik without informing the joint owners have sold the land to one Jagadish Ganapathi Naik as per registered sale deed. Appellant submitted objection letter to Tahasildar Honnavar against the registered sale deed No. 456/17-18 dated: 2-6-2017. Tahasildar Honnavar have send reply to appellant in letter No. RTS/Viva/Takararu/331/2016-17 dated: 21-7-2017, that objection submitted with regard to registered sale deed No. 456/17-18 is not in process in the Bhoomi software for mutation entry. Being aggrieved by this endorsement the appellant filed the instant appeal before this court. Notices were issued to both the parties.

The advocate for the revision petitioner argued that

1. The letter of the Tahasildar Honnavar and conversion order of Deputy Commissioner U.K Karwar against the law and True facts of the case. Since the Tahasildar Honnavar have not concern the joint owners and neighboring land owners before conversion of land.
2. The respondent No. 2 converted the Sy no. 163/4 for commercial purpose with an intention for his own use and then sold the land to the third person.
3. The purchaser of the land constructed the building violating the conditions mentioned in conversion order which leads to obstruction of appellant property and access to appellant property and rights for water.

4. The respondent No. 2 purchaser of the land have not taken any permission from panchayat and constructed the building without following rules. Hence he requested to reject the N.A Oder passed by the Deputy Commissioner Uttar Kannada.

Respondent No. 2 and 3 has been served, respondent No. 3 has appeared through advocate and respondent No. 2 has appeared in person before court. Despite giving multiple opportunities respondent side has failed to file written argument. Hence case has been posted for orders based on the merits and records available on file.

Appellant has asked for cancelation of conversion order No. ALN-1/Viva-462/15-16 dated: 18-11-2016 for Sy No. 163/4 area 0-10-0 of Idagunji Village of Honnavar Taluka, on grounds of obstruction to his property and access to this property and rights for water etc. It is clearly seen from conversion order as well as RTC of the concern Sy No. that there is no B-Kharab land. Further it is seen that 0-0-4 Annas of converted land has been reserved for road in column No. 9 of RTC during conversion order. There is no allegation by respondent that 0-0-4 land has been encroached by respondent also the allegation that after conversion the respondent intent to sale the property to others has no relevance to this court. Since it is well within the rights of respondents. Hence I proceed order as below.


No. RB/LND/ALN-1/CR-4/18-19

Date: 24-12-2018

Order

Appeal is hereby rejected.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 24-12-2018)


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

Copy to:-

1. Advocate Sri. N. S Bhat and Sri. R.S Hegde Gali for information.
2. Assistant Commissioner, Bhatkal for information and necessary action.
3. Tahasildar Honnavar for information and necessary action with lower court record page No. 1 to 10.