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-2/CR-6/17-18

Between

1. Smt Bhagirathi Narayan Guddadamane
   R/o Guddadamane Taluk: Sirsi
   (Represented through Advocate Sri.S.H.Desai)

V/s **.... Appellant**

1. Smt Sushila Madoora Devadiga
   R/o Guddadamane Taluk: Sirsi
2. Tahasildar Sirsi
3. Village Accountant Guddadamane, Sirsi
   (Represented through Advocate Sri P B Tandel) **.... Respondents**

Sub: Appeal filed u/s 136(3) of Karnataka Land Revenue Act 1964 against the Deputy Commissioner Uttar Kannada order No. ALN-2/Viva-433/13-14 dated: 14-8-2014.

Preamble:

The instant appeal has been filed against the order of Deputy Commissioner Uttar Kannada order No. ALN-2/Viva-433/13-14 dated: 14-8-2014. Notices were issued to both parties.

The brief facts of the case are as follows:

Original suit in file No. OS-117/98 was filed before Hon'ble Sirsi Civil Judge (Sr. Division) Court Sirsi by revision petitioner and respondent. This suit was settled between the parties and compromise decree was passed by Hon'ble Lok Adalat Sirsi and according to it Smt Sushila Kom Madoora Devadiga respondent No. 1 got the share in Sy No. 166A1/P1 an extent of 0-4-0 out of total area of 0-30-0 and Smt Bangari Govind Guddadamane revision petitioner have also got 0-4-0 out of total area of 0-30-0. Accordingly ADLR Sirsi prepared Hissa Map. Subsequently respondent No. 1 Smt Sushila Kom Madoora Devadiga applied for conversion of land for non agriculture purpose in Sy No. 166A1/A2 for an extent of 0-4-0 and Deputy Commissioner Uttar Kannada Karwar. Deputy Commissioner Uttar Kannada Karwar converted the land sy No. 166A1/A2 an extent of 0-4-0 to N.A. Against the hissa map revision petitioner filed application before DDLR Karwar and DDLR Karwar passed an order for resurvey and to prepare a fresh hissa map of Sy No. 166/A. Being aggrieved by this order and land conversion order the revision petitioners filed the instant revision petition before this court. Notices were issued to both the parties.

The advocate for the revision petitioner argued that

1. The respondent No. 1 converted the land by submitting false documents.
2. The Tahasildar Sirsi did not consider DDLR order dated: 2-1-2014 and have process the mutation entry against the law.
3. The respondent No. 1 have committed absolute crime by applying for N.A when Form No. 4, 11 and 12 were rejected by DDLR in Sy No. 166A1/A2.

4. Respondent No. 1 has submitted the wrong hissa map and documents while applying for N.A and surveyor D.H Manjappa has prepared wrong map of 0-4-8 instead of 0-4-0 and the respondent No. 1 by using this map has converted the land to N.A.

Hence he requested to reject the N.A Oder passed by the Deputy Commissioner Uttar Kannada.

The Advocate for the Respondent argued that

1. The revision petition filed by the petitioner is quite contrary to law and facts of the case.
2. It is admitted fact that respondent No. 1 has filed suit bearing no. OS No. 117/1998 against the revision petitioner and her brother Sri. Bangari Govind Guddadamane for property bearing Sy No. 166A1P1 of Sirsi Village Sirsi Taluka. Subsequently the suit for partition is settled between the parties to the suit at the Lok Adalat. According to the settlement the respondent No. 1 got 0-4-0 and revision petitioner also got 0-4-0 out 0-30-0 from the Sy No. 166A1P1. Further 0-22-0 guntas have kept in the name of the Sri Bangari Govind Guddadamane and property in newly numbered as Sy No. 166A1A1. Same is also more evident from the record of rights produced here with. After the partition of the property bearing Sy No. 166A P1 the respondent No. 1 has applied for sub division in the land records. In result of that land for the extent of 0-4-0 guntas were separated from the main land and same is numbered as Sy No. 166A1A2 for the extent of 0-4-0. Again the respondent No. 1 has filed application for conversion of land to NA as per law prescribed under the Karnataka Land Revenue Act.
3. It is humbly submitted that survey sketch drawn during the spot visit correct and lawful. The surveyor by name Sri. B H Manjappa has drawn the survey sketch only for 0-4-0. Same can be measured from the survey sketch produced. Apart from the Hissa Form No. 4 and 11 are also intact and correct as well as lawful for the 0-4-0 of Sy No. 166A1/A2 of Sirsi Taluk.
4. It is submitted that without the knowledge of the respondent No. 1 the revision petitioner in the case has managed to take order review of the survey records from the Learned Deputy Director of Land Records Karwar. Same is also challenged by this respondent NO. 1 before the Hon'ble High Court in WP No. 102879/2018.
5. It is humbly submitted that application for conversion of land for the Sy No. 166 A1A2 for the extent of 0-4-0 was filed long before the passing of the order of the Learned Deputy Director of Land Records, Karwar. Accordingly respondent No. 1 has secured the order of conversion of land by this Hon'ble Court in ALN/II/Viva-433/13-14 dated: 14-8-2014 in accordance with law.
6. It is humbly submitted that mutation entry registered under MR No. T.134/14-15 as per the order of this Hon'ble Court is lawful and undisputable.

Hence, he requested to dismiss the revision petition.

On perusal of the lower Court records and written argument of both parties it reveals that the revision petitioner has pleaded to cancel N.A order NO. ALN/II/Viva-433/13-14 dated: 14-8-2014 on grounds that respondent No. 2 i.e Tahasildar Sirsi has not taken in to consideration the order of the ADLR Sirsi No. 52/13-14 dated: 2-1-2014 and mutated against the law.

It is seen from the original records of conversion that there is clear survey sketch is present for the contested SY No. done for the purpose of conversion. Based on such sketch and relevant documents the conversion order dated: 14-8-2014 has

been issued by the Deputy Commissioner Uttar Kannada Karwar also no violation of conversion condition have been brought out by the revision petitioner. Hence I find no reason to interfere with the said conversion order and proceed to the order as below.

No. RB/LND/ALN-2/CR-6/17-18 **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. S.H Desai and Shri P.B Tandel for information.
2. Assistant Commissioner, Sirsi for information and necessary action.
3. Tahasildar Sirsi for information and necessary action with lower court record page No. 1 to 75.