

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

Present: Dr. Harish Kumar K., I.A.S
Deputy Commissioner,
Uttar Kannada, Karwar.

No. RB/RTR/CR-37/17-18



Between

1. Shri Benjamin Francis Pereira
R/o KHB Colony Haliyal Taluk: Haliyal.
(Represented through Advocate Sri. P B Angadi)

.... Appallant

V/s

1. Assistant Commissioner Karwar

.... Respondent

Sub: Appeal filed u/s 136(3) R/w Section 45 of Karnataka Land Revenue Act 1964 against the order of the Assistant Commissioner, Karwar No. RTS/AP/CR-79/2016-17 dated: 12-04-2017.

Preamble:

The instant appeal has been filed against the order of the Assistant Commissioner, Karwar No. RTS/AP/CR-79/2016-17 dated: 12-04-2017. Notices were issued to both parties.

The brief facts of the case are as follows:

Survey No. 45/plot No. 09 an extent of 4-0-0 of Khamdolli Village in Haliyal Taluka was granted to Shri Benjith Francis Pereira by then Deputy Commissioner Uttara Kannada Karwar as per grant order No. RB/FOR/Viva/5/94-95 dated: 21-04-1994. As per grant order Kabulayat mutation entry was passed by revenue inspector dated: 01-3-1995 and the grantee name was entered as per grant order. After the duration of 24 years the appellant claims that his name is shown as Benjith in the records on account of the differences in pronunciation of the name and also account of use of short name instead of the full and correct name Benjamin. The said discrepancy in the concern records are required to be corrected. In this regard the appellant approach Tahasildar Haliyal seeking correction of the concern discrepancy but Tahasildar Haliyal has declined to take action in this matter on the grounds that do not come within the purview of official jurisdiction and directed to the appellant to approach Assistant Commissioner Karwar. Accordingly the appellant file an appeal before Assistant Commissioner Karwar and Assistant Commissioner Karwar dismissed the order on the grounds that the name mentioned in the grant order is Benjith. Being aggrieved by this order the appellant filed the instant appeal before this court. The appellant have produced School Certificate, Election Identity Card, Ration Card and Adhar Card in which his name is mentioned as Benjamin Francis Pereira. Hence he requested to allow the appeal and set aside the order of Assistant Commissioner, Karwar dated: 12-04-2017.

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After perusal of the lower court records and grant file it reveals that the original grant order, issued by Deputy Commissioner Uttar Kannada Karwar in order No. RB/FOR/Viva/5/94-95 dated:21-04-1994 it is mentioned as Benjith Francis Pereira. There is no any documentary evidence that Benjith Francis Pereira and Benjamin Francis Pereira is same person. On perusal of the grant order file there is no evidence to prove that grant is made in the name of Benjamin.

Hence I proceed the following order.

No. RB/RTR/CR-37/17-18

Date: 24-06-2019

Order

Appeal is dismissed.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 24-06-2019)



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

Copy to:-

1. Advocate Sri. P B Angadi for information.
2. Assistant Commissioner, Karwar for information and necessary action.
3. Tahasildar Karwar for information and necessary action.