

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-20/2017-18.



Between

Shri. Naganagouda S/o Rudragouda Karigoudar
Yane Karigoudra
By GPA Holder Sri. Sadanandagouda S/o Rudragouda
Karigoudar,
R/o Renuka Krupa, Maruti Nagar, Naragunda Dist Gadag
(Represented through Advocate Sri A. C Chakalabbi)

....Revision Petitioner

V/s

1. Tahasildar Joida
2. Village Accountant, Ramnagar
3. Revenue Inspector, Caselrock
4. Shri. Gurunath S/o Maheshwar Kamath
5. Shri. Ramakrishna S/o Maheshwar Kamath
Since deceased
- 5A. Smt. Geeta W/o Ramakrishna Kamath
R/o Hanumangalli, Taluk Joida
- 5B) Adarsh S/o Ramakrishna Kamath
R/o Hanumangalli, Taluk Joida
6. Smt. Lalita Maruti Kamath
7. Raghavendra Maruti Kamath
8. Nagesh Maruti Kamath
9. Nikita Nagesh Kamath
R/o Ramnagar Taluk: Joida.
(Represented through Advocate Sri. S.P Ritti)

.... Respondents

Sub: Revision petition filed U/s 136 (3) against the order of Assistant Commissioner, Karwar No. RTS.AP.CR.30/2016-17 dated 10-02-2017.

Preamble:

The instant revision petition has been filed by the revision petitioner through his Power of Attorney Holder U/s 136(3) against the order of Assistant Commissioner Karwar dated 10-02-2017 in file No. RTS.AP.CR.30/2016-17.

Notices were issued to both parties. Respondent No. 4, 6 to 9 did not appear despite service of notice. Respondent No. 5 was reported to be dead and his LRs were brought on record.

Brief facts of the case are as hereunder:

The revision petitioner Shri Naganagouda S/o Rudragouda Karigoudar Yane Karigoudra purchased land bearing Sy.No. 22/12+13/P No-88 measuring 4-38-0 (A-G-A) of Ramanagar village Joida (Supa) Taluk Uttara Kannada district from respondent No. 4 to 9 i.e Gurunath S/o Maheshwar Kamath, Ramakrishna S/o Maheshwar Kamath, Lalita Maruti Kamath, Raghavendra Maruti Kamath, Nagesh Maruti Kamath and Nikita Nagesh Kamath under registered sale deed dated 11-10-2012 for valuable consideration of Rs. 2,80,000/- and ever since then, he has been in possession and enjoyment of the same. After the purchase, the land was mutated in the name of revision petitioner in MR No. 18/2012-13 by respondent No. 3 Revenue Inspector, Caselrock in accordance with the procedure under KLR Act. Later, respondent No. 1 Tahasildar filed appeal before the Assistant Commissioner, Karwar for cancellation of the mutation MR No. 18/2012-13 mainly on the ground that portion of the property measuring 1-11-0 (A-G-A) was acquired in the above said survey number under Sec. 4(1) and 6(1) notifications of Land Acquisition Act for the public purpose of formation of Dharwad- Ramanagar road and that

possession was also delivered to the Executive Engineer, PWD & IWT Sirsi. The Assistant Commissioner allowed the appeal and cancelled MR No. 18/2012-13.

Aggrieved by the order of dismissal, the revision petitioner has preferred this revision petition on various grounds.

The Advocate for the revision petitioner argued that-

1. The Assistant Commissioner, Karwar has dismissed the appeal without appreciating the relevant points in dispute in proper perspective.
2. The Assistant Commissioner failed to note that the revision petitioner purchased the property prior to the date of acquisition and the Assistant Commissioner further failed to note that the acquisition was only in respect of 1-11-0 of the land and not in respect of the entire 4-38-0 (A-G-A) of the land.
3. The aggrieved party being the Executive Engineer, PWD & IWT, Sirsi, the Tahasildar had no locus standie to file appeal before the Assistant Commissioner.
4. The revision petitioner having purchased the property under registered sale deed, the revenue authorities are bound to effect mutation as per the decision of the Hon'ble High Court of Karnataka.

Hence on these among other grounds, the advocate for the revision petitioner requested to allow the revision petition.

The point for consideration before this Court is-

1. Whether there are sufficient grounds to allow the revision petition?

Ans. In the Affirmative.

The document before this court have been perused. It is pertinent to note that an extent of 3-23-0 from Sy. No. 22/10 plot No. 83, Sy No. 22/11 Plot No. 84 and Sy.No. 22/12+13, Plot No. 88 was acquired for Dharwad - Ramanagar road development vide Govt. order no. ಕಂ.ಇ.22/ಭೂಸ್ವತ್ತು/2012, ಬೆಂಗಳೂರು Dated: 14-06-2011 invoking emergency clause stipulated under section 17(1) of land acquisition act 1894. The alleged sale dead has been registered on 11-10-2012 which his subsequent the Govt. order. This would mean that the petitioner and contesting respondent were much aware of the fact of land acquisition. Despite of this both the petitioner and the respondents have shown mere negligence towards statutory instructions and have proceeded for sale transaction. Even though the revenue courts are restricted from going into the genuineness of the registered documents, but it is also the foremost duty of administration to secure the public interest. The acquisition of the aforesaid road involves public interest. In view of the impugned order is liable for partial modification. Hence, I proceed to pass the following order.

No. RB/RTR/CR-20/2017-18

Date: 15-07-2019

Order

Revision Petition is partially allowed. The mutation entry No.H-18/2012-13 dated: 20-12-2012 of Ramanagar (Sitawada) of Joida Taluka is canceled. Tahasildar Joida is directed to effect fresh mutation to incorporate Government order no. ಕಂ.ಇ.22/ಭೂಸ್ವತ್ತು/2012, ಬೆಂಗಳೂರು Dated: 14-06-2011 to the extent of 1-11-0 infavour of PWD Khanapur and the remaining extent infavour of the Petitioner as per sale deed dated: 11-10-2012.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 15-07-2019)



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

Copy to:-

1. Advocate Sri A. C Chakalabhi and Sri. S P Ritti for information.
2. Assistant Commissioner, Karwar for information and necessary action.
3. Tahasildar Joida for information and necessary action.