

**IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR**

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

**No. RB/LND-1/AP/CR/8/2018-19**



**Between**

Smt. Padmini Timmappayya Achari  
R/o Choutani, Taluk Bhatkal  
(Represented through Advocate Sri N.S. Bhat)

**.... Appellant**

V/s

1. Assistant Commissioner, Bhatkal
2. Tahasildar Bhatkal
3. Smt. Savita Kom Krishna Achari  
R/o Choutani, Taluk Bhatkal  
(Represented through Advocate Sri. D. R Bhat)

**.... Respondents**

**Sub:** Appeal filed u/s 50 of Karnataka Land Revenue Act-1964 against the order of Assistant Commissioner Bhatkal in file No. LND/CR:25/2017-18 dated 08-03-2018.

**Preamble:**

The instant appeal has been filed by the appellant U/s 50 of Karnataka Land Revenue Act 1964 against the order No. LND/CR:25/2017-18 dated 08-03-2018 passed by the Assistant Commissioner, Bhatkal remanding the matter to the Tahasildar Bhatkal for fresh disposal in accordance with law.

The appellant is represented by her counsel. Respondent No. 3 entered appearance through her counsel.

**Brief facts of the case are as hereunder:**

The appellant had filed application before Tahasildar Bhatkal U/s 94 (C) of Karnataka Land Revenue Act with a request to grant portion of the government land consisting of a building in Sy.No. 4A1 of Puravarga village Bhatkal Taluk. The Tahasildar obtained reports from the concerned revenue inspector and village accountant and also got prepared a sketch of the area and perused the documents produced by the appellant and after being satisfied that the appellant was in possession and enjoyment of 0-3-10 (A-G-A) out of entire extent of 0-21-9 (A-G-A) ever since 2007-08, granted the said area to the appellant under orders No. ಅನಿಸ/ವಿವ-17/2016-17 dated 29-11-2016 and LND.SR.94C.17/16-17 dated:23-02-2017. These orders were challenged by the 3<sup>rd</sup> respondent herein by filing appeal before the Assistant Commissioner Bhatkal on the ground that she had also filed an application to the Tahasildar for granting portion in the very same government land and that the Tahasildar has not considered her application while granting the land as stated above. The appeal was allowed and the orders of Tahasildar were set aside with a direction to consider the matter afresh in accordance with law.

Aggrieved by the order of the Assistant Commissioner, the appellant herein preferred appeal before this Court on various grounds.

**The Advocate for the appellant argued that-**

1. The order passed by the Assistant Commissioner Bhatkal is contrary to law and true facts of the case.

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2. The Assistant Commissioner has failed to note that, if at all the 3<sup>rd</sup> respondent had any right over the land, she ought to have approached the Hon'ble Civil Court for declaration of her rights.

3. The Assistant Commissioner has failed to consider that the appellant has no other land except the land granted in her favour.

4. The Assistant Commissioner has failed to note that the 3<sup>rd</sup> respondent is not entitled for any grant in any of the portion in the above said Sy. No. 4A1 of Puravarga village Bhatkal Taluk.

Hence on these among other grounds, the appellant requested to allow the appeal.

The learned counsel for respondent No. 3 has argued in support of the impugned order passed by the Assistant Commissioner.

**The point for consideration before this Court is-**

1. Whether there are sufficient grounds to allow the appeal?

Ans. In the Negative.

On hearing the learned counsel for the appellant and respondent No. 3, it is seen that the husband of the appellant and the husband of respondent No. 3 are brothers. It appears, during their life time, both the brothers were in occupation of the portion of the above said government land in Sy.No. 4A1 of Puravarga village Bhatkal Taluk. The respondent No. 3 also appears to have filed an application for grant of portion of the government land in her favour. That being so, the Tahasildar ought to have considered both the applications together and ought to have passed appropriate orders. Therefore, the Assistant Commissioner is justified in passing the impugned order with a direction to the Tahasildar to consider the matter afresh in accordance with law. The order being an equitable order, there are no valid grounds to interfere with the same. Hence, I proceed to pass the following order:

**No. RB/LND-1/AP/CR/8/2018-19**

**Date: 19-08-2019**

**Order**

Appeal is dismissed.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 19-08-2019)



**Deputy Commissioner,  
Uttara Kannada, Karwar.**

**Copy to:-**

1. Advocates Sri N.S. Bhat and Sri. D. R Bhat for information.
2. Assistant Commissioner, Bhatkal for information and necessary action with Lower court file no. LND/CR:25/2017-18 dated 08-03-2018 page No. 1 to page No.197.
3. Tahasildar Bhatkal for information and necessary action with Lower court file no. LND.SR.94C.17/16-17 dated:23-02-2017 page No. 1 to page No.75.