

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

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



No. RB/Tech Appeal/CR-07/2018-19

**Between**

1. Shri. Baglu S/o Birappa Patgar
  2. Shri. Nagappa S/o Birappa Patgar
  3. Shri. Shivappa S/o Birappa Patgar
- All are R/o Devumane, Baad,  
Taluk: Kumta  
(Represented through Advocate Sri. N M Madiwal)

.... Appellants

V/s

1. Smt. Girija Kom Lingappa Naik (U.F.M.)
  2. Shri. Narayan Jottappa Naik U.F.M.
  3. Shri. Parameshwar Sanka Naik U.F.M.
  4. Shri. Ishwar Venkata Naik U.F.M.
  5. Smt. Honnamma Kom Narayan Naik U.F.M.
  6. Shri. Rama S/o Nagappa Patgar
- All are R/o opp.: Seva Sahakari Society,  
Baad, Taluk Kumta.

.... Respondents

**Sub:** Appeal filed u/s 50 of Karnataka Land Revenue Act-1964 against the order about Hissa Phodi in respect of Sy. No. 72 of Baad village in Kumta Taluk.

**Preamble:**

The instant appeal has been filed by the appellants U/s 50 of Karnataka Land Revenue Act 1964 against the order No.ಕಂ.ತಾಂ/ಭೂಮಾಪನ/ಭೂದಾಖಲೆ/ಮೇಲ್ಮನವಿ/94/16-17 dated 07-06-2017 passed by the Deputy Director of Land Records, Uttar Kannada Karwar.

Notices were issued to both parties and they have appeared before the Court.

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

The appellants and respondents are neighbouring land owners being in possession and enjoyment of various extent of land in the sub divisions of Sy. No. 72 of Baad village Kumta taluk. The grievance of the appellants is that there is discrepancy in between the extent of the land as per Hissa phodi and the extent shown in the RTQ. In other words, the extent as per Hissa phodi does not tally with the extent mentioned in the RTC. Hence, they preferred an appeal before the Deputy Director of Land Records, U. K Karwar. The appeal was dismissed by order dated 07-06-2015 with an observation that the original hissa phodi being done about 50 years ago, the same has not been implemented or computerized (ಇಂಡೀಕರಣ). Thereafter, the ADLR has issued endorsement as hereunder:

ಭೂಮಾಪನ ದಾಖಲೆಗಳಂತೆ ಪಹಣಿ ಇಂಡೀಕರಣ ಮಾಡಲು ಅನಾವಶ್ಯವಾಗಿದ್ದು ಬಾಡ ಗ್ರಾಮದ ಸ.ನಂ 72ರ ಹಿಸ್ಸಾ 1/1 ರಿಂದ 1/10 ಎಂದು ಹಿಸ್ಸಾಗಳಾಗಿರುವುದನ್ನು ರದ್ದುಪಡಿಸುವ ಬಗ್ಗೆ ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ಮೇಲ್ಮನವಿ ಸಲ್ಲಿಸಿ ಪರಿಹಾರ ಕಂಡುಕೊಳ್ಳಲು ತಿಳಿಸಲಾಗಿದೆ.

Hence, in the above backgrounds, the appellants have preferred the instant appeal before this Court on various grounds.

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**The appellants advocate has argued that-**

1. The DDLR has dismissed the appeal without considering the points in dispute between the parties in proper perspective.
2. The DDLR ought to have issued specific direction to ADLR to do the needful in view of discrepancy between the Hissa phodi and entries in the RTC.
3. The DDLR had failed to note that the respondents had filed their no objection for fresh hissa phodi.

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

The records reveal that the respondents had appeared before the DDLR through their counsel and submitted their no objection for Hissa phodi by cancelling the earlier phodi work.

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

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

Ans. In the Affirmative.

On hearing the learned counsel for the appellants and perusal of the lower Court records, it is seen that, after dismissal of the appeal by the DDLR with certain observations, the concerned ADLR of Kumta issued endorsement dated 20-07-2018 as referred above. Therefore, it is very much clear that Hissa phodi has to be done afresh by cancelling the earlier Hissa in Sy.No. 72A recorded as 1/1 to 1/10. The DDLR appears to have not considered the appeal in that angle which has resulted injustice to the parties. It is pertinent to note that before the DDLR, the respondents had submitted their no objection for fresh phodi work. But, the DDLR has simply dismissed the appeal without considering all these material aspects in proper perspective in the interest of justice and equity. Hence, I proceed to pass the following order

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**Date: 19-08-2019**

**Order**

Appeal is allowed. The earlier hissa in respect of Sy.No. 72A of Baad Village as 1/1 to 1/10 is hereby cancelled. The ADLR Kumta is directed to proceed in the matter in accordance with Rules.

(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. Deputy Director of Land Records Uttara Kannada, Karwar for information and necessary action with Lower court file no. No.ಕಂ.ತಾಂ/ಭೂಮಾಪನ/ಭೂದಾಖಲೆ/ಮೇಲ್ಮನವಿ/94/16-17 dated 07-06-2017 page No. 1 to page No.112.
2. Tahasildar Kumta for information and necessary action.