

**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-19/2018-19**

**Between**

Sri. Rajashekar Malleshappa Belligatti  
R/o Dandeli, Taluk Haliyal  
(Represented through Advocate Sri N.S. Bhat)

**....Revision Petitioner**

V/s

1. Tahasildar Haliyal
  2. Assistant Commissioner, Karwar
  3. Smt. Sarojini Malleshappa Belligatti
  4. Shri. Manjunath Malleshappa Belligatti
  5. Smt. Surekha Malleshappa Belligatti
  6. Smt. Shailaja Malleshappa Belligatti
- All are R/o Dandeli Taluk Haliyal  
(Represented through Advocate Sri.H. S Kulkarni)



**.... Respondents**

**Sub:** Revision petition filed U/s 136 (3) of Karnataka Land Revenue Act against the order of Assistant Commissioner, Karwar in file No. RTS/AP/CR/64/2016-17 dated 11-09-2018 in respect of mutation entry.

**Preamble:**

The instant revision petition has been filed U/s 136(3) of Karnataka Land Revenue Act against the order of Assistant Commissioner, Karwar in file No. RTS/AP/CR/64/2016-17 dated 11-09-2018.

The Revision Petitioner is represented by his counsel. Respondent No. 3 to 6 entered appearance through their counsel.

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

That late Shri. Malleshappa Basappa Belligatti is the husband of 3<sup>rd</sup> respondent Smt. Sarojini Malleshappa Belligatti. The revision petitioner and respondent No. 4 to 6 are his children. Late Malleshappa Basappa Belligatti had purchased 10-03-0 (A-G-A) in Block No. 11 of Bedarashiragura village of Haliyal Taluk Dandeli Hobli in the name of his wife the 3<sup>rd</sup> respondent Smt. Sarojini Malleshappa Belligatti out of his own income under registered Sale Deed dated 23-05-1975. Accordingly, her name was entered in the RTC. Malleshappa Basappa Belligatti died on 18-04-2010. Thereafter, taking advantage of the land standing in her name, the 3<sup>rd</sup> respondent Smt. Sarojini Malleshappa Belligatti gifted the said land in favour of 4<sup>th</sup> respondent Manjunath Malleshappa Belligatti under registered gift deed dated 09-02-2016. Hence, the Tahasildar Haliyal certified mutation in the name of the 4<sup>th</sup> respondent Manjunath Malleshappa Belligatti in MR No. H-5/2015-16 despite objection raised by the revision petitioner that the suit land is the joint family property and that the gift deed was executed only with an intention of depriving other members of the family of their share in the said land. Hence, aggrieved by the order of the Tahasildar, the revision petitioner preferred appeal before the Assistant Commissioner Karwar. The appeal was dismissed vide impugned order dated 11-09-2018.

Aggrieved by the order of the Assistant Commissioner, the petitioner Rajashekar Malleshappa Belligatti preferred this Revision Petition before this Court on various grounds.

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**The Advocate for the revision petitioner argued that-**

1. The impugned order passed by the Assistant Commissioner is contrary to law and facts of the case.
2. The Assistant Commissioner has failed to note that the suit land is the joint family property of the revision petitioner and respondent No. 3 to 6 and hence respondent No. 3 Smt. Sarojini Malleshappa Belligatti had no right to transfer the property in the name of 4<sup>th</sup> respondent Manjunath Malleshappa Belligatti under the alleged gift deed.
3. The Assistant Commissioner has failed to note that the gift deed was created with an intention to deprive the petitioner of his share in the land.
4. The Assistant Commissioner has failed to note that mutation ought not to have been entered in the name of the 4<sup>th</sup> respondent Manjunath Malleshappa Belligatti without there being any finding by the competent Civil Court regarding legality and validity of the alleged gift deed.

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

The learned counsel for respondent No. 3 to 6 has argued in support of the impugned order passed by the Assistant Commissioner by submitting that the mutation having been certified in the name of the 4<sup>th</sup> respondent Manjunath Malleshappa Belligatti on the basis of registered gift deed, the Assistant Commissioner rightly dismissed the appeal holding that revenue authorities are bound by the registered documents and they have no jurisdiction to decide validity of the registered gift deed.

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

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

Ans. In the Negative.

On hearing the learned counsel for both parties in the background of the lower Court records, it is seen that the Tahasildar Haliyal certified the impugned mutation No. H-5/2015-16 in the name of 4<sup>th</sup> respondent Manjunath Malleshappa Belligatti on the basis of registered gift deed dated 09-02-2016. The appeal before the Assistant Commissioner, Karwar was dismissed mainly on the ground that the impugned mutation having been certified on the basis of the registered document, the revenue authorities are bound by registered document and they cannot decide legality of the document as held by the Hon'ble High Court of Karnataka in the decision reported in ILR 2007 (3) Kar 3400 (Muniraju N. V/s Special Deputy Commissioner). This principle is further reiterated in 2019 (2) KCCR 1823 (Mr. Walter Stephen Mendes V/s The State of Karnataka and others). Therefore, there are no error committed by the Assistant Commissioner in dismissing the appeal. There are no valid grounds to allow the revision petition. Consequently, I proceed to pass the following order:

**No. RB/RTR/CR-19/2018-19**

**Date: 14-10-2019**

**Order**

Revision petition is dismissed

(Order dictated to the Stenographer, computerized, verified and pronounced in open court on 14-10-2019)



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

**Copy to:-**

1. Advocates Sri N.S. Bhat and Sri.H. S Kulkarni for information.
2. Assistant Commissioner, Karwar for information and necessary action.
3. Tahasildar Haliyal for information and necessary action with Lower court file no. RTS/Takarari/Viva-32/2015-16 dated 7-11-2016 page No. 1 to122.