

**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-08/2019-20**



**Between**

1. Smt. Evet Simon Verghese  
R/o Chittakula Village, Karwar Taluka.  
(Represented through Advocate Sri. N. M Madiwal)

**....Revision Petitioners**

V/s

1. Shri. Ashok Kusta Padwalkar  
R/o Hosali Village, Taluk Karwar.
2. Assistant Commissioner Karwar
3. Tahasildar Karwar

**.... 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/86/2017-18 dated 18-01-2019 in respect of mutation entry.

**Preamble:**

The instant revision petition has been filed U/s 136(3) of Karnataka Land Revenue Act by Smt. Evet Simon Verghese, represented by his advocate Shri N. M Madiwal challenging the order of Assistant Commissioner, Karwar in file No. RTS/AP/CR/86/2017-18 dated 18-01-2019. Notice were issued to both the parties.

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

The suit Sy No. 121/1 an extent of 0-13-0 of Kolge Village in Karwar Taluka was sold by the Smt. Sunita Tulsidas Padwalkar G.P.A holder of original owner Tulasidas Ganesh Padwalkar and Smt. Evet Simon Verghese G.P.A holder of joint owner Smt. Savitri Kusta Bhandari true Smt. Evet Simon Verghese as per registered sale deed No. 619/2017-18 dated: 15-5-2017. The J-Form was issued to Tahasildar Karwar and Tahasildar Karwar mutated the sale deed mutation entry No. H-2/2017-18 as per J-Form. Respondent No. 1 Shri Ashok Kusta Padwalkar submitted an objection to the Village Accountant that this property is joint family property and Smt. Evet Simon Verghese has purchased this property by forged documents and not paying sufficient amount to the seller. Tahasildar Karwar heard this case and rejected the sale deed mutation entry No. H-2/2017-18. The revision petitioner Smt. Evet Simon Verghese filed an appeal before Assistant Commissioner Karwar against the order of the Tahasildar Karwar No. RRT/Viva-133/2017-18 dated: 23-09-2017. Assistant Commissioner Karwar upheld the order of the Tahasildar Karwar and rejected the appeal. Being aggrieved by this order the revision petitioner filed a petition this court.

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

1. The impugned order passed by the Assistant Commissioner Karwar is illegal, unjust, irregular, one sided and against the settled principles of law.
2. The Assistant Commissioner acted it was shirking from the responsibility and duties of the Revenue Officers.
3. That Smt. Savitri Kusta Bhandari executed the G.P.A and agreement to sale to the revision petitioner. On the basis of G.P.A sale deed was executed before sub registered office Karwar. On the basis of J-Form the name of the revision petitioner was entered in mutation entry No. H-2/2017-18. At the time of enquiry respondent No. 1 objected to certify the mutation entry.
4. Tahasildar Karwar considered the RRT case and issued notice to both the parties. The appellant is coming from Christian community she is not well conversant of Kannada Language. Tahasildar Karwar enquired her about the sale deed and how much the valuation of the property. Since she was not capable to

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understand the kannada. She told that three times amount was paid of Rs. 9,50,000/- . But the agreement to stated that the amount of Rs. 4, 50,000/- including two Survey No i.e Kolge Village Sy No. 121/1 an extent of 0-13-0 and Mudgeri Village Sy No. 627/8 an extent of 1-23-0. The learned Tahasildar misunderstood the words of the revision petitioner and passed order reasoning that valuation of the property is not tallied with valuation of sale deed and stamp duty has been not paid by the petitioner.

5. The Assistant Commissioner Karwar did not considered all this points and rejected the appeal.

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

The respondent No. 1 has produced the copy of judgment passed by Assistant Commissioner, Karwar in connection with the same case in Sy No. 627/8 of Mudgeri Village. Wherein he has passed an order that revenue authority as no jurisdiction to decide upon the genuineness of the registered sale deed and he has rejected the appeal. Hence he requested to reject the appeal.

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

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

Ans. In the Negative.

On perusal of the lower court records and written argument of both the sides it reveals that the suit Sy No. 121/1 an extent of 0-13-0 of Kolge Village in Karwar Taluka was sold by the Smt. Sunita Tulsidas Padwalkar G.P.A holder of original owner Tulasidas Ganesh Padwalkar and Smt.Evet Simon Verghese G.P.A holder of joint owner Smt. Savitri Kusta Bhandari to Smt Evet Simon Verghese as per registered sale deed No. 619/2017-18 dated: 15-5-2017. The J-Form was issued to Tahasildar Karwar and Tahasildar Karwar mutated the sale deed mutation entry No. H-2/2017-18 as per J-Form. Respondent No. 1 Shri Ashok Kusta Padwalkar submitted an objection to the Village Accountant that this property is joint family property and Smt. Evet Simon Verghese has purchased this property by forged documents and not paying sufficient amount to the seller. Tahasildar Karwar heard this case and rejected the sale deed mutation entry No. H-2/2017-18. The revision petitioner Smt Evet Simon Verghese filed an appeal before Assistant Commissioner Karwar against the order of the Tahasildar Karwar No. RRT/Viva-133/2017-18 dated: 23-09-2017. Assistant Commissioner Karwar upheld the order of the Tahasildar Karwar and rejected the appeal. Such being the material allegations, it is the duty of the revision petitioner to prove his title over the disputed land in the appropriate Civil Court. In this regard, the Hon'ble High Court of Karnataka in 2006(1) KCCR, 652 has held that *Revenue Authorities have no right to decide the question of fraud or title of the parties to the land. It is only Civil Court, which has jurisdiction to decide such issues.* Such being the case, the Assistant Commissioner has not committed any error in dismissing the appeal. There are no valid grounds to allow the Revision petition. Hence, I proceed to pass the following order:

**No. RB/RTR/CR-08/2019-20**

**Date: 14-10-2019**

**Order**

Revision Petition is dismissed.

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



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

**Copy to:-**

1. Advocates Sri N. M Madiwal for information.
2. Assistant Commissioner, Karwar for information and necessary action with Lower court file no. RTS/AP/CR/86/2017-18 dated 18-01-2019 page No. 1 to page No.101.
3. Tahasildar Karwar for information and necessary action.