

**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-9/2018-19**



**Between**

1. Shri. Gopalkrishna Narasimha Pai  
R/o Honnavar, Taluk Honnavar  
(Represented through Advocate Sri.N. S. Bhat)  
V/s

.... Appellant

1. Taluka Surveyor Honnavar  
2. Deputy Director of Land Records Uttar Kannada Karwar  
3. Shri Venkatesh Narasimha Pai,  
R/o Bank Road, Honnavar  
4. Shri Yeshwant Prabhakar Bhat  
R/o Bank Road, Honnavar  
(R3 Represented through Advocate Sri.R V Bhat

.... Respondents

**Sub:** Appeal filed u/s 50 of Karnataka Land Revenue Act-1964 against the order about Hissa Phodi in respect of Sy. No.298A2 of Honnavar village in Honnavar 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/ಮೆಲ್ಕನವಿ/19/15-16 dated 16-2-2017 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 Suit property is family property as per Tahasildar Honnavar order No. HNR.MPR-115/2008-09. Survey was conducted and P.T Sheet was prepared. Against this P.T Sheet the appellant filed appeal before DDLR Karwar and who in his order dated: 16-02-2012 dismissed the appeal. Being aggrieved by this order the appellant filed appeal before Deputy Commissioner Uttar Kannada Karwar and as per Deputy Commissioner Uttar Kannada Karwar order No. RB/Tech-appeal/CR-3/2012-13 dated: 9-03-2015 the case was remanded back to DDLR Karwar to pass a speaking order. Again DDLR Karwar conducted the enquiry and as per his order dated: 16-2-2017 set aside the appeal. Being aggrieved by this order, the appellant filed the instant appeal before this court.

**The advocate for the appellants argued that-**

1. As per the hissa patti the family property is divided among the brothers i.e appellant and respondents. But the P.T Sheet prepared by Taluka Surveyor is not tally with the actual kabja and waiwati of the appellant.
2. DDLR has to verify whether the P.T Sheet tallies with the actual Kabja of the appellant. In this regard without taking any report only on the bases of P.T Sheet DDLR has passed the order. So it is against the principles of natural justice.
3. The order passed by DDLR is contrary to law and not to the true facts of the case. DDLR has not mentioned any theirs about the P.T Sheet.

Hence he requested to allow the appeal.

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**The advocate for the Respondents argued that-**

1. The appellant is the most litigant person and only to harass the respondent he has filed the appeal.
2. The respondent has already submitted his written argument in the last occasion. Appeal is filed against the survey map. Survey was done on 13-1-2009 after issuing notice to all the concerned. But the appeal was filed on 3-6-2011 after a period of two years. No application for condonation of delay is filed.
3. There are 7 hissedars in the RTC and survey was done after issuing notice to all 7 hissedars. The appellant has prayed to set aside the survey map which relates to all the 7 hissedars but appellant has not made all the hissedars as parties before the proceeding.
4. The respondent not made any application for survey. Infact the respondent was not present on the spot at the time of survey. The appellant has not mentioned in the appeal what is the grievances caused to him by the said survey. If the appellant is aggrieved he has to make his land survey separately or to approach the Civil Court for remedy.
5. On 26-7-2010 the respondent No.2 moved an application to fix the boundaries. At this time notice was issued to all the parties including the appellant. At that time he has not raised any objection

Hence he requested to set aside the appeal.

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

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

Ans. Negative.

On hearing the learned counsel for the appellants and perusal of the lower Court records, and written argument of both parties it reveals that the suit property is the family property and as per the Hissa Patti the property was divided among the brothers i.e appellant and respondents. After conducting the survey the Taluka surveyor prepared the P.T Sheet in respect of Sy No. 298A2 of Honnavar Village. It is evident from the P.T Sheet dated: 18-11-2015 prepared by Taluka Surveyor as per the direction of the DDLR that it tallies with the earlier P.T Sheet prepared as per Tahasildar Honnavar Number HNR-MPR-115/08-09. DDLR has described the matter in detail in his order. I proceed to pass the following order.

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**Date:14-10-2019**

**Order**

Appeal is dismissed.

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



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

**Copy to:-**

1. Advocate Sri N.S Bhat and Sri. R V Bhat for information.
2. Deputy Director of Land Records Uttara Kannada, Karwar for information and necessary action with Lower court file No. ಕಂ.ತಾಂ/ಭೂಮಾಪನ/ಭೂದಾಖಲೆ/ಮೇಲ್ಕನವಿ/19/15-16 dated 16-2-2017 page No. 1 to page No.224.
3. Tahasildar Honnavar for information and necessary action.

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