

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/05/2020-21

Between

Shri. Purushottam Balasu Bhagat
R/o Wartiwada, Sadashivgad,
Taluk Karwar

(Represented through Advocate Sri. N.M. Madiwal)

....Revision Petitioner

V/s

1. Sonia Somanath Achari
R/o Achariwada, Sadashivgad
Taluk Karwar.
2. Smt. Suvida Sudheer Achari
R/o Achariwada, Sadashivgad
Taluk Karwar.
3. Assistant Commissioner,
Karwar.
4. Tahasildar, Karwar



.... Respondents

Sub: Revision Petition filed U/s 136 (3) of Karnataka Land Revenue Act 1964 against the order of Assistant Commissioner, Karwar in file No. RTS/AP/CR-41/2018-19 dated 27-09-2019.

Preamble:

The instant revision petition has been filed U/s 136 (3) of Karnataka Land Revenue Act 1964 against the order of Assistant Commissioner, Karwar in file No. RTS/AP/CR-41/2018-19 dated 27-09-2019.

Notices were issued to both the parties. Petitioner entered appearance through his counsel.

Brief facts of the case are as hereunder:

That the total extent of Sy.No. 948/9A of Chittakula village Karwar Taluk is 0-11-0 (A-G-A) including 0-2-0 (A-G-A) of Kharab land and 0-1-0 (A-G-A) of NA land. Out of this, the revision petitioner purchased 00-04-08 (A-G-A) of agricultural land and 0-1-0 (A-G-A) of NA land (total 0-5-8 (A-G-A)) from Shri. Shiva Sadashiva Gadkar under registered sale deed dated 12-11-1998 and consequently said extent of the land was mutated in the name of the revision petitioner vide ME No.1699 dated 25-11-1998. But on 25-09-2017, when the appellant obtained RTC of the said land, it was noticed that area of land was reduced by 0-2-0 (A-G-A) by showing the extent of the land as 0-2-8 (A-G-A) + 0-1-0 (A-G-A) NA land. Hence, the petitioner preferred appeal before Assistant Commissioner Karwar. But his appeal was dismissed vide order dated 27-09-2019.

Being aggrieved by the order of the Assistant Commissioner, the revision petitioner preferred revision petition before this Court on various grounds.

The Advocate for the petitioner argued that-

1. The impugned order passed by the Assistant Commissioner is contrary to law and true facts of the case and also contrary to natural justice.
2. The Assistant Commissioner has not appreciated the factual matrix in proper perspective.
3. The Assistant Commissioner ought to have given liberal approach in considering the point of delay in filing appeal before him.
4. The Assistant Commissioner has failed to note that there were no valid reasons to reduce the extent of the land purchased by the petitioner.

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Hence on these among other grounds, the advocate for the revision petitioner requested to allow the revision petition in the interest of justice and equity.

The point for consideration before this Court is-

1. Whether there are sufficient grounds to interfere with the impugned order passed by the Assistant Commissioner Karwar?

Ans. In the Negative.

On perusal of the impugned order in the background of the documents on record, it is seen that the disputed ME No. 1699 is dated 25-11-1998. But the appeal before the Assistant Commissioner was filed only after a lapse of 14 years. Of course, delay condonation application was filed before the Assistant Commissioner. But in his order, the Assistant Commissioner has referred to some of the rulings of the Apex Court and came to the conclusion that there were no good grounds to condone the inordinate delay in filing the appeal. Therefore, the Assistant Commissioner is justified in refusing to allow the delay condonation application. Besides, the Assistant Commissioner has also dealt with the case on merit. He has referred to the reports of ADLR and also the facts that respondent No. 2 and 3 have also purchased portions of the lands from the very same owner who had sold the land in dispute to the petitioner. The Assistant Commissioner has further taken into consideration that some portions of the land were acquired for public road. Taking into consideration all these material facts as well as the point of delay, the Assistant Commissioner has rightly come to the conclusion that there were no valid grounds to allow the appeal. I do not find any good reasons to interfere with the well reasoned order passed by the Assistant Commissioner. Hence, I proceed to pass the following order:

No. RB/RTR/CR/05/2020-21

Date:01-02-2021

Order

Revision petition is dismissed. The order dated 27-09-2019 passed by the Assistant Commissioner is upheld.

(Order dictated to the Stenographer, got computerized, signed and pronounced in open court on 01-02-2021)



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**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-41/2018-19 dated 27-09-2019 page No. 1 to page No. 135.
3. Tahasildar Karwar for information and necessary action.

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