

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-8/2019-20

Between

1. Shri. Nagaraj Manohar Gunagi
2. Smt. Reshma Manohar Gunagi
Both are R/o Sonarwada, Baad, Karwar
3. Smt. Indira Ganapati Gunagi
4. Smt. Bhikku W/o Ganapati Gunagi
5. Shri. Pandurang Ganapati Gunagi
6. Smt. Mohini Yudishtir Gunagi
7. Smt. Parvati Anandu Gunagi
3 to 7 are R/o Gunagiwada, Habbuwada
Taluk Karwar.

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

....Appellants

V/s

1. Shri Digambar Mahadev Pawaskar
R/o Habbuwada, Taluk Karwar
2. The DDLR
Karwar
(Represented through Advocate Sri. P.D. Pawaskar)

.... Respondents

Sub: Appeal filed U/s 50 of Karnataka Land Revenue Act 1964 against the Hissa Phodi in Sy.No. 468/2 of Baad village in Karwar Taluk.

Preamble:

The instant appeal has been filed U/s 50 of Karnataka Land Revenue Act 1964 against the order of DDLR Karwar in file No. ಕಂ/ತಾಂ/ಭೂಮಾವಸನ/ಮೂವಾಳು/ಮೇಲ್ಕನು/5/18-19 dated 29-11-2018. Notices were issued to both the parties.

Brief facts of the case are as hereunder:

The appellants and respondent are adjacent land owners of Sy.No. 468/2 of Baad village in Karwar taluk. After the Hissa Phodi the Sy.No. 468/2 was divided into Sy.No. 468/2A and Sy.No. 468/2B. The contention of the appellants is that PT sheet and actual enjoyment of area is not tallied. So the appellants filed appeal before the DDLR Karwar and who in his order dated 29-11-2018 dismissed the appeal. Being aggrieved by this order, the appellants filed the instant appeal before this Court.

The advocate for appellants argued that-

1. The appellants and respondent are adjacent land owners in Sy.No. 468/2 of Baad village Karwar taluk consisted of 0-11-0 area, out of which the respondent No. 1 purchased 0-2-0. So as per Hissa phodi, survey number was divided in two survey numbers 468/2A an extent of 0-9-0 (A-G-A) and Sy.No. 468/2B an extent of 0-2-0 (A-G-A) in the RTC. But in Form No. 4 and 11 it is shown as 0-8-0 (A-G-A) and 0-2-8 (A-G-A) subsequently.
2. Order passed by DDLR is unjust and against the principles of natural justice.
3. ADLR wrongly prepared the map without visiting the spot. At the time of phodi work ADLR Kumta has not issued notice to appellants. The PT Sheet and the area actually owned by the appellant do not tally.

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

The advocate for respondents argued that-

1. The respondent No. 1 has purchased an extent of 0-2-0 (A-G-A) in Sy.No. 468/2B of Baad village from Digambar Sadashiv Habbu. Both Sy.No. 468/2A and 468/2B are different.

ay
f

2. The appellants filed the appeal against the phodi after a long period of 54 years.

3. ADLR has prepared the map after visiting the spot at the time of phodi, ADLR issued notice to the appellants.

Hence, on the above among other grounds, the respondent has requested to dismiss the appeal.

On perusal of the lower Court records, appeal memo and written arguments of respondent No. 1, it reveals that Sy.No. 468/2 was divided in two survey numbers i.e. Sy.No. 468/2A and Sy.No. 468/2B in the year 1964. It shows that Hissa Phodi was done 54 years back and now respondent No. 1 purchased the property which belonged to Sy.No. 468/2B. DDLR has explained the matters in detail in the order. So it is not necessary to interfere with the order of DDLR. Hence, the following order:


No. RB/TECH/APPEAL/CR-8/2019-20

Date: 01-02-2021

Order

Appeal is dismissed.

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


Deputy Commissioner,
Uttar Kannada, Karwar.

Copy to:

1. Advocates S. N.M. Madival & P.D. Pawaskar for information.
2. Deputy Director of Land Records, Karwar for information and necessary action with Lower court file no. ಕಂ/ಅಂ/ಭೂಮಾಪನ/ ಭೂದಾಖಲೆ/ಮೇಲ್ಮನವಿ/5/18-19 dated 29-11-2018 page No. 1 to page No. 56.
3. Tahasildar Karwar for information and necessary action.

