

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/18/2020-21

Between

1. Smt. Subbu Kom Choudayya Devadiga
 2. Mahadev Choudayya Devadiga
 3. Manjappa Choudayya Devadiga
 4. Krishna Choudayya Devadiga
 5. Goydu Choudayya Devadiga
 6. Shaniyar Choudayya Devadiga
- Appellant No. 1 to 6 are
R/o Somayannamane, Bengre-1 gram,
Bhatkal (U.K.)
7. Honnamma Kom Manjunath Devadiga
Kharrikusanamane, Sannabalse, Bailuru,
Bhatkal (U.K.)
 8. Laxmi Kom Ramkrishna Devadiga
R/o Kesumane, Shirali-1 gram,
Bhatkal taluk, U.K.
- (Represented through Advocate Sri.Nagesh G.Gaddemane)



....Appellants

V/s.

1. Assistant Commissioner
Bhatkal Sub Division, Bhatkal
2. Tahasildar, Bhatkal
3. Revenue Inspector,
Mavalli, Bhatkal
4. Village Accountant
Bengre-1 gram, Bhatkal
5. Competent Authority
Special Land Acquisition Officer,
National Highway of India,
13-1-7E, Near P.W.D. office,
Kittur Chennamma Road, Ajjar Forest,
Udupi district
6. Taluk Surveyor
Survey Department, Bhatkal
7. Survey Supervisor
Survey Department, Bhatkal (U.K.)
8. ADLR, Survey Department
Bhatkal (U.K.)
9. Shri. Jairam Krishna Prabhu
10. Allamma Mathew Deveshiya
11. Ullas Vittal Kamat
12. Gauri Kom Ishwar Devadiga
13. Korag Bin Annappa Devadiga
14. Narayan Bin Masti Gaurajji
15. Bhaira Bin Masti Gaurajji
(No.9 to 15 are R/o Bengre-1 grama, Tq-Bhatkal)

.... Respondents

Sub: Appeal filed U/s 49 of Karnataka Land Revenue Act 1964 against the order of Assistant Commissioner, Bhatkal in file No. RTS/AP/SR-13/2016-17 dated 01-06-2017.

Preamble:

The instant appeal has been filed U/s 49 of Karnataka Land Revenue Act 1964 against the order of Assistant Commissioner, Bhatkal in file No. RTS/AP/SR-13/2016-17 dated 01-06-2017.

Brief facts of the case are as hereunder:

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The appellants are legal representatives of late Chodayya Devadiga. According to them, 0-32-0 (A-G-A) of land in Sy.No. 1156 and 0-6-8 (A_G-A) of land in Sy.No. 1155/3 of Bengre-2 village Bhatkal taluk were granted to late Choudayya Devadiga by the Land Tribunal vide order No. LRM No. 4/518 and Form No. 10 was issued accordingly. But entries were not made in the RTC in accordance with Form No. 10. Subsequently, they have also filed 7A application before the Assistant Commissioner Bhatkal for granting the very same land in their favour. Said application was dismissed as the very same lands were earlier granted by the Land Tribunal in favour of late Choudayya Devadiga. Later, Sy.No. 1156 was sub divided into 3 hissas and Sy.No. 1156/1 and 1156/2 were also sub divided into 8 hissas. According to them, the survey proceeding sub dividing all the survey numbers were done behind their back without giving any notice to them. It is their further case that despite issuing Form No. 10 pursuant to the Land Tribunals order, their names are not entered in the RTC. Hence, they preferred appeal before the Assistant Commissioner, Bhatkal. But the appeal was dismissed vide order dated 01-06-2017.

Being aggrieved by the order of the Assistant Commissioner, the appellants preferred appeal before this Court on various grounds.

The appeal memo is accompanied by delay condonation application supported by affidavit. The reasons stated in the affidavit are accepted and delay is condoned.

The Advocate for the appellants argued and submitted that the Assistant Commissioner passed the impugned order without appreciating all the material aspects in proper perspective and hence on these among other grounds elaborately narrated in the appeal memo, he prayed for allowing the appeal.

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 Bhatkal?

Ans. In the Negative.

On hearing the learned counsel for the appellants and also on perusal of the entire case papers, it is apparent that neither the original grantee Choudayya nor the appellants herein have taken steps for appropriate reliefs immediately after Form No. 10 was issued in this case. Thereafter, some portions of the land appears to have been acquired by the National Highway Authorities for widening National Highway. Further, it is found that Sy.No. 1156 was sub divided into 3 hissas and Sy.No. 1156/1 and 1156/2 were also sub divided into 8 hissas. According to appellants, the survey proceedings sub dividing all the survey numbers were done behind their back without giving any notice to them. If that is so, as rightly observed by the Assistant Commissioner, the remedy was to prefer appeal before the Technical Assistant to Deputy Commissioner & Ex-Officio Deputy Director of Land Records. That being so, I do not find any error committed by the Assistant Commissioner, Bhatkal. Hence, I proceed to pass the following order.

No. RB/RTR/CR/18/2020-21

Date: 01-02-2021

Order

Appeal is dismissed.

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


Deputy Commissioner,
Uttar Kannada, Karwar.

Copy to:-

1. Advocates Sri Nagesh G. Gaddemane for information.
2. Assistant Commissioner, Bhatkal for information and necessary action.
3. Tahasildar Bhatkal for information and necessary action.

