(2014) 11 KAR CK 0057

In the Karnataka High Court

Case No : Writ Petition No. 42070 of 2014 (KLR)

A.T. Sridhar APPELLANT

Vs

The Tahasildar RESPONDENT

Date of Decision : 03-11-2014

Acts Referred:

Citation : (2014) 11 KAR CK 0057

Hon'ble Judges : B.V. Nagarathna, J

Bench : Single Bench

Advocate : Swamy Shiva Prakash H. Advocate for Esskay Associates, Advocate for the Appellant; Kiran Kumar T.L., A.G.A, Advocate for the Respondent

Judgement

B.V. Nagarathna, J.—Petitioner has assailed order dated 13.03.2012 passed by second respondent Assistant Commissioner, Shivamogga Sub-Division, Shivamogga, Annexure-E, order dated 28.04.2014 passed by third respondent, Deputy Commissioner, Shivamogga District, Annexure-J.

2. Briefly stated, the facts are that petitioner claims to have purchased 3 acres 38 guntas of land in Sy.No.14 of Thudur Village, Tirthahalli Taluk, along with his father, under a registered sale deed dated 26.03.1997 from one D. Manjunath and his family members, for a valuable sale consideration. Thereafter, names of the petitioner and his father were mutated in the revenue records. It appears that fourth respondent purchased 3 acres of land in Sy.No.15 under a registered sale deed. That land was originally granted to one Sura Bhandari. By order dated 05.01.1978, Land Tribunal, Tirhahalli granted the said land in favour of the vendor of the fourth respondent. Fourth respondent has made an application for entry of his name in the revenue records. While doing so, the respondent authorities gave Sy.No.99 to the Sy.No.15 and thereafter his name was entered in the revenue records. But the Revenue Inspector by order dated 20.10.2011, stated that the name of the fourth respondent could not be mutated in the revenue records. Being aggrieved by that order, fourth respondent filed an appeal before the second respondent, who, by his order dated 13.03.2012 held

that the original Sy.No.15 measuring 3 acres 38 guntas was given a random number 99 and thereafter re-numbered as Sy.No.159 and hence, in respect of the land purchased by the fourth respondent his name had to be entered in the revenue records. Being aggrieved by that order, the petitioner filed a revision petition before the third respondent, Deputy Commissioner. By the impugned order, the Deputy Commissioner has rejected the revision petition filed by the petitioner. The orders of the Assistant Commissioner as well as the Deputy Commissioner are challenged in this writ petition.

3. I have heard the learned counsel for the petitioner and the learned AGA who appears for respondent Nos. 1 to 3 on advance notice and perused the material on record.

4. The reason as to why the petitioner filed a revision petition before the Deputy Commissioner was because petitioner was under the impression that he was aggrieved by the order passed by the Assistant Commissioner. The order passed by the Assistant Commissioner is related to Sy.No.15 in respect of which the petitioner has no right, title or interest. All that fourth respondent wanted was that his name has to be entered in the revenue records. The petitioner is the owner and in possession of Sy.No.14. If fourth respondent wants his name to be entered in respect of Sy.No.15, the petitioner can have no grievance on that aspect of the matter. If there are any other inter se disputes between petitioner and fourth respondent, that is a matter for the civil court to consider particularly when according to the petitioner''s counsel, respondent No. 4 has filed a suit against the petitioner.

5. The apprehension of the petitioner that the order passed by the second respondent as well as the Deputy Commissioner would be relied upon in the suit is baseless apprehension, as those orders have been passed in accordance with law after being satisfied that the fourth respondent has purchased Sy.No.15. When the petitioner has no right, title or interest in respect of Sy.No. 15, he cannot have any grievance with regard to the impugned orders. In fact, the petitioner has no right to file a revision against the order of the Assistant Commissioner.

In that view of the matter, there is no merit in the writ petition. petition is dismissed.

