(2011) 01 KAR CK 0134

In the Karnataka High Court

Case No : Writ Petition No. 29704 of 2010

C. Chowri APPELLANT

Vs

State of Karnataka and Sri Muniyappa RESPONDENT

Date of Decision : 19-01-2011

Acts Referred:
Constitution of India, 1950 — Article 226, 227

Citation : (2011) 01 KAR CK 0134

Hon'ble Judges : D.V. Shylendra Kumar, J

Bench : Single Bench

Advocate : Dayanand, for H. Maregowda, for the Appellant; R. Omkumar, AGA for R1 and R2, for the Respondent

Final Decision : Dismissed

Judgement

D.V. Shylendra Kumar, J.—Writ Petitioner claiming to be owner of an extent of 2 acres of agricultural land in Sy. No. 100/P12 of Arasanahalli Pedanahalli Village, Kundana Hobli, Doddaballapura Taluk, on the basis of a sale transaction dated 23.4.2007 executed by one Shivanand N. Kalburgi, is aggrieved that the Tahsildar, Devanahalli Taluk, at the instance of the third Respondent who it appears had given some application/representation for recognizing his rights in an extent of 2 acres of land in Sy. No. 100/P8, having nevertheless, ordered the name of the third Respondent to be shown in the revenue records in respect of Sy. No. 100/12 and the Petitioner being aggrieved by this change in the revenue record, has approached this Court for the following relief:

Issue a writ, order or direction in the nature of certiorari in quashing the impugned order dated 9.8.2010 in MR No. 2/2010-11 vide Annexure-G passed by the second Respondent insofar as it relates to the land bearing Sy. No. 100/P12 measuring 2 acres of Arasanahalli Peddanahalli Village, Kundana Hobli, Devanahalli Taluk.

2. Sri. Dayanand, learned Counsel for the Petitioner has vehemently urged that

the Tahsildar has acted without any rhyme or reason; that when the third Respondent had sought for recognition of his rights in respect of Sy. No. 100/P8 and as a person belonging to scheduled caste community, there was no occasion for the Tahsildar to displace the Petitioner from the revenue records in respect of land in Sy. No. 100/P12; that the order is patently illegal and liable to be quashed etc.,.

3. The phani endorsement at Annexure-G indicates that the Tahsildar is acting as per the orders of the Assistant Commissioner dated 5.3.2010 passed in PTCL 3/2010-11.

4. Though learned Counsel for the Petitioner has not made any submission, it transpires that the said order of the Assistant Commissioner is subject matter of further appeal before the Deputy Commissioner in proceedings No. LNDSC:ST[A]3/2010-11 and there are certain interim orders also passed in this regard and the matter is pending before the Deputy Commissioner.

5. If there are discrepancies found even assuming as contended by the Petitioner by entries made by the Tahsildar, it is open to the Petitioner to bring it to the notice of his higher authorities to get it corrected.

6. It is not necessary for this Court exercising writ jurisdiction to get excited over such matters which is to say the least a frivolous trivial matter to invoke the writ jurisdiction of the High Court under Articles 226 and 227 of the Constitution of India.

7. Without prejudice to the action that may be pursued by the Petitioner before the revenue authorities, this writ petition is dismissed.