

(2001) 06 KAR CK 0058
In the Karnataka High Court
Case No : Writ Petition No. 24321 of 2001

Channappa Gowda

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 26-06-2001

Acts Referred:

Karnataka Land Revenue Act, 1964 — Section 136 (3)

Citation : (2001) 4 KCCR 2804

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : Suresh P. Hudedagaddi, for the Appellant;

Final Decision : Dismissed

Judgement

V. Gopala Gowda, J.—In this writ petition the Petitioner is seeking to quash the impugned order at Annexure-D dated 27.8.1990 passed by the 2nd Respondent-Deputy Commissioner u/s 136(3) of the Karnataka Land Revenue Act, 1964.

2. This writ petition is liable to be dismissed on the ground of delay and laches. The impugned order was passed in the year 1990 whereas this writ petition is filed in the year 2001, after a lapse of 11 years. The Petitioner was not diligent in prosecuting the matter.

3. Petitioner claims right over the property bearing Block No. 44 of Kottur village in Dharwad District as adopted son of one Channappagouda Chavana Gowdar. A perusal of the impugned order reveals that Petitioner has not produced any document to show that he was the adopted son of said Channappagouda. The 2nd Respondent has rightly held that right of succession as adopted son was not established. A further finding is recorded that Channappagouda handed over possession of the property in question to Respondents 3 and 4 several years ago and they have been in possession of the same. It is also recorded that Respondents 3 and 4 have perfected their title by adverse possession. It is also pertinent to note that the Deputy Commissioner has also found that the mutation

entry relating to the land was made on 8.3.1978 itself and eventhough the Petitioner was aware of the same in view of the admitted position in paragraph 3 of the revision petition, the Petitioner had not taken any steps for over 12 years and proper explanation was not offered for the delay in filing the revision petition before the 2nd Respondent. In view of these findings, it has to be held that the Petitioner was not at all diligent in prosecuting the matter. It is clear that he took 12 years to file the revision petition before the 2nd Respondent and after passing of the impugned order, he took 11 years to approach this Court. The explanation offered in paragraphs 5 and 6 of the writ petition is untenable and not convincing. Even according to the Petitioner himself, he had the knowledge of the impugned order on 4.6.1998 but the writ petition had been filed only on 22.6.2001. Thus, the writ petition is liable to be dismissed not only on the ground of delay and laches but also on merits.

4. Writ Petition is accordingly dismissed.