(2012) 11 KAR CK 0111

In the Karnataka High Court

Case No : Writ Petition No''s. 32984-85 of 2009 (KLR-RR/SUR)

Chikkathayamma and Others APPELLANT

Vs

The Deputy Commissioner Mandya District Mandya and Others RESPONDENT

Date of Decision : 02-11-2012

Acts Referred:
Karnataka Land Revenue Act, 1964 — Section 136 (2), 136 (3)

Citation : (2012) 11 KAR CK 0111

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

Bench : Single Bench

Advocate : B. Gyanananda for Sri P Mahesha, for the Appellant; R.B. Sathyanarayana Singh, HCGP for R1 to R4 and Sri S. Narendra, for R5, for the Respondent

Final Decision : Dismissed

Judgement

D.V. Shylendra Kumar

1. Writ petitioners claim to be legal heirs of one Kakegowda alias Dasegowda and their further claim is that children of Dasegowda by name Mollegowda and Honnegowda had divided the properties that belonged to Dasegowda more than 60 years back that comprised in Sy. No. 22/3 measuring 8 guntas, Sy. No. 25/3 measuring 19 guntas, Sy. No. 22/8 measuring 21 guntas, Sy. No. 22/10 measuring 12 guntas, Sy. No. 25/12 measuring 24 guntas, Sy. No. 25/6. measuring 12 guntas, Sy. No. 25/11 measuring 17 guntas situated at Samakahalli Village, Nagamangala Taluk, Mandya District, and Sy. No. 32/1 measuring 23 guntas, Sy. No. 34/3 19 guntas, Sy. No. 34/4 measuring 1 acre 21 guntas situated at Samakahalli Village, Nagamangala Taluk, situated Chakatahalli Village Nagamangala Taluk, and have succeeded to the said lands that it is in their possession and enjoyment but in the revenue records names of respondent Nos. 5 and 6 came to be mutated without any reason or basis in the year 1982-1983 as per MR. Nos. 3 and 4 of 1982-1983 and being not aware of such

changes in the revenue records, petitioners perhaps had approached the Asst. Commissioner by filing an appeal u/s 136(2) of the Karnataka Land Revenue Act, 1964 (for short ''the Act'') in appeal No. 118/2000. The Asst. Commissioner passed the order dated 24.11.2000 declined to interfere on noticing that the appeal is barred by time, hopelessly delayed and more over the challenge being to the change of revenue entries in the year 1982-1983, after a lapse of 17 years, held not a fit matter for examination and dismissed the appeal. It is against this order writ petitioners had approached the Deputy Commissioner invoking jurisdiction u/s 136(3) of the Act, but the said revision petition came to be dismissed as per the order dated 30.06.2009 (copy at Annexure - L to the writ petitions).

2. It is aggrieved by the original change of entry in the revenue records as per M R Nos. 3 and 4/1982-1983 and the order of the Asst. Commissioner dismissing the appeal and further dismissal of the revision petition, the present writ petitions.

3. Mr. B. Gyanananda learned counsel appearing for the petitioners, while requests the matter to be adjourned, but nevertheless submits that the petitioners and respondent Nos. 5 and 6 have a common ancestry; that perhaps the properties had been divided between them about 50 to 60 years earlier, but the respondents by playing fraud or deceit and though they have no manner of right, title and interest have got revenue entries mutated in their favour and petitioners not being aware of the same have filed the appeal and therefore, the authorities should have entertained the matter on merits etc. It has been time and again held that revenue authorities functioning under the Act have no right or authority to decide the question of disputed title to the property and the revenue entries by themselves do not confer title and in such circumstances, while I do not find any merit to interfere with the impugned orders passed by respondent Nos. 1 to 3, it is open to the petitioners to approach the civil court and there upon seek suitable correction in the revenue entries. Subject to this observation, these writ petitions are dismissed.