(1995) 11 KAR CK 0009

In the Karnataka High Court

Case No : Writ Petition No. 37169 of 1995

Jana Bai APPELLANT

Vs

Deputy Commissioner RESPONDENT

Date of Decision : 02-11-1995

Acts Referred:
Karnataka Land Revenue Act, 1964 — Section 135

Citation : (1996) ILR (Kar) 1280 : (1996) 2 KarLJ 68

Hon'ble Judges : M.M..Mirdhe, J

Bench : Single Bench

Advocate : T.N. Raghupathy, for the Appellant; M.N.R. Gowda, HCGP for R-1 and R-2 and M.S. Purushothama Rao, for R-3, for the Respondent

Final Decision : Dismissed

Judgement

Mirdhe, J.—This Writ Petition is filed by the petitioner praying to quash the mutation entry dated 27.3.1981 produced at Annexure-A and for declaration that the order dated 13.9.1995 passed by respondent No. 1 at Annexure-B is illegal and void. On the direction by this Court, Additional Government Pleader has taken notice for respondents -1 and 2. I have heard the learned Counsel for the petitioner and the learned Additional Government Pleader and perused the records of the case.

2. The order that is challenged by the petitioner passed by respondent No. 1 in revision is final, so. far as mutation entries are concerned. This Court in the Ruling reported in Srimanmaharaja Niranjana Jagadguru Mallikarjuna Murugarajendra Mahaswamy Vs. Deputy Commissioner, held when once an order has become final, the only remedy for a part/ is to file a suit as permitted under the Proviso to Section 135 of the Act. The learned Counsel for the petitioner tried to distinguish this Ruling on the ground that the order passed by respondent No. 1 is not an order under appeal but it is an order in revision and therefore, this Ruling will not come in his way. I do not agree with this view of the learned Counsel for the simple reason that the order that is implemented are referred to

as the final order passed by the revenue authorities irrespective of the fact that whether it is an appellate order or the order under revision. It is the case of the petitioner that the order passed by R-1 is a final order, so far as the Land Revenue Act is concerned regarding mutation. Hence, the only remedy available to the petitioner is to file a suit under the Proviso to Section 135 of the Act.

In the result, the Writ Petition is not admitted. It is dismissed.