

(2011) 10 KAR CK 0019

In the Karnataka High Court

Case No : Writ Petition No. 38583 of 2011 (LB-RES)

Krishnaiah Bhovi

APPELLANT

Vs

The State of Karnataka and Shivaiah Bhovi

RESPONDENT

Date of Decision : 20-10-2011

Acts Referred:

Citation : (2011) 10 KAR CK 0019

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : M. Keshava Reddy, AGA, for the Respondent

Final Decision : Dismissed

Judgement

Hon"ble Mr. Justtce Mohan Shantanagoudar

1. The order at Annexure-K, dated 25.8.2011 passed by the Executive Officer, Taluk Panchayat, Ramanagara, is called in question in this writ petition, on the ground that the Executive Officer has wrongly transferred the khatha in the name of the 4th respondent.

2. Property in question, i.e., House bearing Khaneshumari Khatha No.6/868/6, measuring 30"x40", situated at Padarahalli Village, Harisandra Grama Panchayat, Kasaba Hobli, Ramanagara is owned by the 4th respondent. The petitioner entered into an agreement to purchase the said property on 9.2.1999 as per Annexure-A. According to the petitioner, the khatha was changed in his name pursuant to the said agreement and he has been paying taxes and he is residing in the said house. However, by the impugned order, the khatha is rechanged in the name of the 4th respondent. Hence, this petition is filed.

3. It is not in dispute that the petitioner is not the owner of the property in question. It is also not in dispute chat the 4th respondent is the owner of the property in question. Owner"s name shall find place in the khatha, revenue records, municipal records, etc. The person who has entered into an agreement

to purchase the property, is not entitled to get his name entered in the revenue records as the owner thereof. Ownership will be transferred through the registered sale deed, gift, etc. In the matter on hand, the petitioner has merely entered into an agreement to purchase the property in question with the 4th respondent. By virtue of the said agreement the petitioner cannot get title over the property in question. In case if the petitioner's name is allowed to continue in the municipal records, it may lead to multiplicity of proceedings, inasmuch as the petitioner may create third party interest. In the matter on hand, the petitioner infact has mortgaged the property in question in favour of the Taluk Panchayat for loan of Rs. 20,000/- based on the Khata which was standing in his name. This itself goes to show that the petitioner, in whose name the khatha was wongly standing, has created the problems. Accordingly, the Executive Officer of Taluk Panchayat is justified in entering the name of the 4th respondent who is the owner of the property. If the petitioner wants to get his name entered in the municipal records, he will have to get his rights declared either by the Civil Court or he will have to get the sale deed executed in his favour in respect of the property in question.

With the aforesaid observations, the writ petition is dismissed.