
(2013) 06 KAR CK 0158

In the Karnataka High Court

Case No : Writ Petition No. 9077 of 2013 (KLR-RES)

Rajaratnam

APPELLANT

Vs

The Deputy Commissioner and Others

RESPONDENT

Date of Decision : 17-06-2013

Acts Referred:

Karnataka Land Revenue Act, 1964 — Section 136(2)

Citation : (2013) 06 KAR CK 0158

Hon'ble Judges : Huvadi G. Ramesh, J

Bench : Single Bench

Advocate : M. Shivaprakash and Sri. B.R. Muralidhar, for the Appellant; M.C. Nagashree, HCGP, for the Respondent

Judgement

Huvadi G. Ramesh, J.—Petitioner has sought for quashing the order vide Annexure-"G" dated 26.9.2012 passed by the Karnataka Appellate Tribunal in Appeal No. 641/2011 and for such other relief. It is the case of the petitioner that he has filed an application for grant of agricultural land to an extent of 3 acres in Survey No. 53, situated at Nugithahalli village, Chickaballapur District. The land was said to be granted to the petitioner during 1977-78 and he was issued with a grant certificate under, Darkasth proceedings. The petitioner is the son-legal heir of one Akkayamma, who was the original grantee. He applied for change of khata in his name and accordingly, the records were changed. The respondents; 4 and 5 in order to knock off the valuable property, made a false and frivolous claim before the 1st respondent-Deputy Commissioner. It is stated that the 1st respondent without holding an enquiry and without issuing notice to interested persons, passed an order and as such, petitioner went before the Karnataka Appellate Tribunal in Appeal No. 641/2011, which came to be dismissed by the impugned order.

2. Heard the learned counsel appearing for the petitioner and the learned Government Pleader. If the Tahsildar passes an order pursuant to the directions issued by the Deputy Commissioner and if there is any illegality in the order

which prejudices the interest of the petitioner, that order is appealable u/s 136(2) of the Karnataka Land Revenue Act or under any other provision of law.

Be that as it may, petitioner has approached the KAT on the presumption that the order is passed by the Tahsildar as per the directions of the Deputy Commissioner as such, there is an appeal provided to the KAT.

On certain petition filed before the Deputy Commissioner, by exercising his jurisdiction, the Deputy Commissioner has referred the matter to the Tahsildar to pass orders. It is not as if the Deputy Commissioner has passed the order. Any order passed by the Tahsildar in pursuance to the directions of the Deputy Commissioner or otherwise and where the Tahsildar has got the power to verify the records and pass order, such an order is appealable before the Assistant Commissioner.

With the above clarification, the Writ Petition is disposed of. "It is for the petitioner, if he is so aggrieved, to approach the Assistant Commissioner in appeal. The delay, if any occurred in filing the appeal is hereby condoned.