

(2001) 06 KAR CK 0088

In the Karnataka High Court

Case No : Writ Petition No's. 8743 to 45 of 2000

Ramappa and Others

APPELLANT

Vs

The Deputy Commissioner, Belgaum District and Others

RESPONDENT

Date of Decision : 01-06-2001

Acts Referred:

Karnataka Land Revenue Act, 1964 — Section 136

Citation : (2001) 4 KCCR 2739

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : G.S. Kannur, for the Appellant; P. Satyanarayana, A.G.A. for Respondents 1 and 2 and Ravi S. Balikar, for Respondent 5, for the Respondent

Final Decision : Dismissed

Judgement

V. Gopala Gowda, J.—The Petitioners are seeking to quash the impugned order at Annexure-A dated 5.2.2000 dismissing the Revision Petitions of the Petitioners filed against the certification of Mutation Entries dated 17.10.1980, 16.1.1989 and 27.7.1989. The writ petitions are liable to be dismissed not only on the grounds of delay and laches and also locus standi but also on merits.

2. The Petitioners had questioned the mutation entries after a lapse of 19 years in the revision petition filed before the Deputy Commissioner. Even after such a lapse of long delay, no application for condonation of delay was filed along with the revision petitions. Though the Deputy Commissioner has noted this point and held that Petitioners were negligent in pursuing the matter, the revision petitions were not dismissed on the grounds of delay and laches. On the other hand, the revision petitions have been dismissed following the decision of this Court in Writ Petition No. 10796 of 1997 (Dadapeer M. Peerzade v. Gram Panchayat, M.K. Hubli) holding that if the Petitioners have any right over the property of which the aforementioned mutation entries had been made, the same has to be established in a Civil Court. The dismissal of revision petitions is in conformity with the decision of this Court and in accordance with Section 136 of the

Karnataka Land Revenue Act. Thus, even on merits also the petitions are liable to be dismissed as devoid of merit.

3. In addition to the above, in the statement of objections filed on behalf of 5th Respondent it is stated that after certification of the mutation entries, the 5th Respondent purchased the land in question from Respondents 3 and 4 and has been in possession thereof. Further, the Petitioners were parties to the mutual partition deed (Apsat Watani Yadi) produced as Annexure-R5 dated 28.6.1993 by which title of the properties got perfected in favour of Respondents 3 and 4 which in turn made the purchase of lands by Respondent No. 5. Therefore, the Petitioners have no locus standi to file these writ petitions. On this score also the petitions are liable to be dismissed.