

(2007) 03 KAR CK 0055
In the Karnataka High Court
Case No : Writ Petition No. 4469 of 2007

Shivarayappa

APPELLANT

Vs

The Deputy Commissioner and Others

RESPONDENT

Date of Decision : 16-03-2007

Acts Referred:

Citation : (2007) 4 KarLJ 543

Hon'ble Judges : K.L. Manjunath, J

Bench : Single Bench

Advocate : Praveen Kumar Raikote, for the Appellant; R.B. Satyanarayana Singh, High Court Government Pleader for Respondents 1 to 3, for the Respondent

Final Decision : Dismissed

Judgement

K.L. Manjunath, J.—Heard the learned Counsel for the petitioner and the learned High Court Government Pleader for respondents 1 to 3.

2. After hearing, this Court noticed the following undisputed facts.--

Pursuant to the decree obtained in O.S. No. 114 of 1990 on the file of the Principal Civil Judge (Senior Division), Bailhongal respondent 4-Neelawwa submitted a varadhi requesting the Revenue Inspector to change the revenue records to her name. Accordingly on 6-11-2002 pursuant to the decree the revenue records were changed to the name of the 4th respondent. Subsequently, based on the interim order of status quo obtained by the petitioner in C.R.P. No. 305 of 2003 from this Court, approached the very same Revenue Inspector. The Revenue Inspector by his order dated 31-5-2003 has changed the revenue entries made by him on 6-11-2002 in favour of the 4th respondent and further entered in the name of the petitioner in the revenue records. The order of the Revenue Inspector dated 31-5-2003 was questioned by the respondents 4 and 5 by filing an appeal before the Assistant Commissioner, Bailhongal in No. RA/AP.38/2003-2004. The Assistant Commissioner allowed the appeal and set aside

the order passed by the Revenue Inspector on 31-5-2003 and restored the order of Revenue Inspector dated 6-11-2002, against which, a revision petition was filed in No. RP/RTA. 125/2005-2006. The said revision petition has been dismissed on 8-2-2007 as per Annexure-D to the writ petition. Against these orders, the present writ petition is filed.

3. After hearing the learned Counsel for the petitioner and the learned Government Pleader, this Court has further noticed that the revenue records were changed to the name of the 4th respondent by the Revenue Inspector much prior to the order of status quo obtained by the petitioner in the civil revision petition. In the civil revision petition there was no direction to the Revenue Inspector to change the revenue entries to the name of the petitioner. This Court in the CRP had passed an interim order to maintain status quo. The said order has to be interpreted only in regard to the possession and not in regard to any entries in the revenue records, Even if it is wrongly construed as an order of status quo in regard to the revenue entries, the entry which stood as on the date of the order passed in the civil revision petition alone has to be maintained without there being any change in the revenue entries. But the Revenue Inspector contrary to the order passed by this Court has changed the revenue entries.

4. The learned Counsel for the petitioner further submits that the petitioner has also obtained an order of status quo in R.S.A. No. 1054 of 2003 on 16th December, 2003. Even this order is subsequent to the order passed by the Revenue Inspector changing the revenue records to the name of the 4th respondent. As a matter of fact, it is one year one month after the Revenue Inspector. Under any circumstances, this Court does not see any reasons to interfere with the orders impugned.

5. Accordingly, the petition is dismissed.