

(2013) 10 KAR CK 0174

In the Karnataka High Court

Case No : Writ Petition No. 6891 of 2012 (KLR-RR/SUR)

Sri. Gilbert Lasrado

APPELLANT

Vs

The Deputy Commissioner, The Assistant Commissioner and
The Deputy Tahsildar

RESPONDENT

Date of Decision : 01-10-2013

Acts Referred:

Karnataka Land Revenue Act, 1964 — Section 136(2), 136(3)

Citation : (2013) 10 KAR CK 0174

Hon'ble Judges : B. Manohar, J

Bench : Single Bench

Advocate : G.L. Mohan Maiya for Sri. A. Keshava Bhat and Sri. K. Srikrishna, for the Appellant; Ramachandra R. Naik, HCGP, for the Respondent

Final Decision : Allowed

Judgement

B. Manohar, J.—The petitioner in this writ petition is challenging the endorsement dated 1.2.2012 issued by the 1st respondent/Deputy

Commissioner holding that the petitioner cannot maintain the revision petition u/s 136(3) of the Karnataka Land Revenue Act (for short "Act")

against the order passed by the Assistant Commissioner u/s 136(2) of the Act. The grievance of the petitioner in this writ petition is that against the

order passed by the 2nd respondent/Assistant Commissioner u/s 136(2) of the Act, he preferred a revision petition u/s 136(3) of the Act before

the 1st respondent. The 1st respondent relying upon the order made in WP No. 11953/2011 disposed of on 18.8.2011 issued an endorsement to

the effect that the revision petition is not maintainable. Learned counsel appearing for the petitioner submits that the order passed by the 1st

respondent is contrary to the law laid down by the Full Bench of this Court

reported in ILR 2012 Kar. 4571. The Full Bench of this Court taking into consideration the divergent view expressed by two Benches held that the revision petition is maintainable u/s 136(3) against the order passed by the Assistant Commissioner u/s 136(2) of the Act. Hence, the order passed by the 1st respondent cannot be sustained.

2. I have carefully considered the arguments addressed by the learned counsel for the parties. The issue raised by the petitioner is fully covered by the judgment of this Court referred above. The Full Bench of this Court clearly held that against the order passed by the Assistant Commissioner

u/s 136(2) of the Act, the revision petition is maintainable u/s 136(3) of the Act.

Following the said judgment, I allow the writ petition and quash the endorsement dated 1.2.2012 issued by the 1st respondent/Deputy

Commissioner vide Annexure-F and remit the matter to the 1st respondent to reconsider the matter and pass appropriate order on merit in

accordance with law as expeditiously as possible.