

(2012) 08 KAR CK 0211

In the Karnataka High Court

Case No : Writ Petition No. 12512 of 2012 (KLR-RR/SUR)

Sri Valli Sab

APPELLANT

Vs

Smt. Rathnamma and Others

RESPONDENT

Date of Decision : 13-08-2012

Acts Referred:

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

Citation : (2012) 08 KAR CK 0211

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : S. Taj, for the Appellant; Vijay Kumar Patil, HCGP for R10 to 12, for the Respondent

Final Decision : Dismissed

Judgement

B.S. Patil, J.—Petitioner is calling in question the order dated 28.02.2012 passed by the Tahsildar, Gauribidnur Taluk, in RRT. Dispute No. 73/2011-12. By the said order, the Tahsildar has directed the mutation entry to be effected in respect of 1 acre of land in Sl. No. 233/6 of Hirebidanur Village in Gauribidnur Taluk in favour of respondents 7 to 9 herein based on the registered Sale Deed dated 07.10.2011. Petitioner has taken up several contentions on merits assailing the correctness of the order passed by the Tahsildar.

2. Learned Government Pleader, who has taken notice for respondents 10 to 12, rightly submits that the petitioner has got an alternative remedy of preferring an appeal before the Assistant Commissioner u/s 136(2) of the Karnataka Land Revenue Act, 1964 (for short, the Act"), if he is aggrieved by the impugned order. In the light of the statutory appeal provided u/s 136(2) of the Act and having regard to the scope available for the petitioner to agitate all the disputed questions of fact before the Appellate Authority, I am not-inclined to entertain this writ petition. Hence, this writ petition is dismissed reserving liberty to the petitioner to file an appeal before the Assistant Commissioner in accordance with law.

Learned Government Pleader is permitted to file memo of appearance within three-weeks from today.