

(2013) 07 KAR CK 0302

In the Karnataka High Court

Case No : Petition No. 14980 of 2013 (KLR-RR-SUR)

Venkateshappa

APPELLANT

Vs

The Deputy Commissioner, The Assistant Commissioner, The
Tahsildar and Venkatappa

RESPONDENT

Date of Decision : 03-07-2013

Acts Referred:

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

Citation : (2013) 07 KAR CK 0302

Hon'ble Judges : Huvadi G. Ramesh, J

Bench : Single Bench

Advocate : B.N. Muralidhar, for the Appellant; M.C. Nagashree, HCGP for R-1 to 3, for the Respondent

Final Decision : Allowed

Judgement

Huvadi G. Ramesh, J

1. Heard the learned counsel appearing for the petitioner and the learned Government Pleader. Petitioner is before this Court against the order dated 2.3.2009 passed by the 2nd respondent-Assistant Commissioner in Appeal No. 387/2006-07. It appears, there is a controversy between the petitioner and the contesting respondent in the making of necessary entries in the revenue records pursuant to the partition said to have taken place in the family and also there is said to be a civil suit pending. Being aggrieved by the said order of the Assistant Commissioner, petitioner is before this Court on the ground that the Deputy Commissioner,

Chikballapur District, by his order dated 18.7.2012 passed in R.A. 73/2009-10, refused to entertain the Revision filed by the petitioner against the order of the Assistant Commissioner, by relying upon the decision of this Court in Writ Petition No. 1802/2010 (KLR), dated 9.4.2012.

2. In the case of Sri Ashok Vs. Shri Pandurang and Others, the Full Bench of this

Court has held that as per Section 136(2) of the Karnataka Land Revenue Act, 1964, against the order of the Assistant Commissioner in appeal, revision lies to the Deputy Commissioner.

In that view of the matter, the order passed by the Deputy-Commissioner rejecting the case of the petitioner is set aside and the matter is remitted to the Deputy Commissioner to pass appropriate orders in accordance with law, after hearing both the parties.

Writ Petition is allowed accordingly.

The learned Government Pleader is permitted to file memo of appearance within four weeks from today.