

Sri. Maraiah vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Dec-02-2024

Judge : M.I.Arun

Appeal No. : WP/56699/2017

Appellant : Sri. Maraiah

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF DECEMBER, 2024 BEFORE THE
HON'BLE MR JUSTICE M.I.ARUN WRIT PETITION NO.56699 OF 2017
(KLR-RR/SUR) BETWEEN:

1. SRI MARAIAH

S/O LATE PUTTAMARAIAH ALIAS PUTTAMARA AGED ABOUT 65
YEARS, RESIDENT OF LAKKENAHALLI VILLAGE, DASANAPURA
HOBLI, BENGALURU NORTH TALUK, BENGALURU RURAL
DISTRICT-562 123. PETITIONER (BY SRI KRISHNA MURTHY M.,

ADVOCATE) AND:

1. THE STATE OF KARNATAKA Digitally

signed by H

REPRESENTED BY ITSK HEMA

SE

High Court of Karnataka VIDHANA SOUDHA, DR. AMBEDKAR
VEEDHI, BENGALURU-560 001.

2. THE TAHSILDAR

BENGALURU NORTH TALUK, KANDAYA BHAVAN K.G. ROAD,
BENGALURU-560 001. RESPONDENTS (BY SMT. B.P. RADHA, AGA)
-2- THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED
ENDORSEMENT BEARING NO.RRT(D)CR/278/15-16 ISSUED BY THE
RESPONDENT NO.2 DATED 28/31.01.2017 VIDE ANNEXURE-L AND
DIRECT THE RESPONDENT NO.2 TO EFFECT ENTRY OF THE
NAME OF THE PETITIONER IN THE RECORD OF RIGHTS
PERTAINING TO THE BELOW DESCRIBED IMMOVEABLE
PROPERTY, ETC. THIS PETITION COMING ON FOR PRELIMINARY
HEARING IN 'B' GROUP, THROUGH PHYSICAL HEARING/VIDEO
CONFERENCING, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER: CORAM: HON'BLE MR JUSTICE M.I.ARUN

ORAL ORDER

1. Petitioner on the ground that his father was granted

certain lands in Sy.No.63 of Lakkenahalli Village, Dasanapura Hobli, Bengaluru
North Taluk approached the jurisdictional Tahsildar to mutate his name in the
revenue records on the ground that his father has died. As the same has not been
done, petitioner was constrained to file W.P.No.9685/2015. The said writ petition
has been disposed of with the following order: -3-

ORDER

"Smt. Prathima Honnapura, the learned Government Pleader is directed to take notice for the respondents.

2. The petitioner's grievance is that his

representation, dated 11.12.2012 (Annexure-F) for effecting the entry in the revenue records in the name of the petitioner in respect of the land in question has remained unconsidered.

3. This petition is disposed of with a direction to the

second respondent Tahsildar to consider the petitioner's said representation in accordance with law and as expeditiously as possible. It is made clear that no opinion whatsoever is expressed on the merits of the claims of the petitioner.

4. Needless to observe that the second respondent Tahsildar shall call upon the petitioner to produce the relevant documents; the petitioner has to produce such documents which are in his possession.

5. No order as to costs."

Subsequent to the said order, the second respondent has issued the impugned endorsement dated -4- wherein the request of the petitioner has been rejected on the ground that the grant made in favour of the petitioner's father is not genuine and there was no grant made at all. Aggrieved by the said observation, the present writ petition is filed.

2. The petitioner along with the writ petition has filed

certain documents which he submits to be copies of the grant made in the name of his father and also old RTC's where the name of the father of the petitioner is found. However, learned AGA upon instructions submits that the same are bogus, forged and concocted. The lis involves disputed question of fact which this Court cannot decide in exercise of its powers under Article 226 of the Constitution of India. Under the given peculiar facts and circumstances of the case, I am of the opinion that interest of justice would be met if a direction is issued to the

jurisdictional Deputy Commissioner to make an enquiry under Section 136(3) of the Karnataka Land Revenue Act, 1964 (for -5- short 'the Act') and examine the genuineness or otherwise of the claim made by the petitioner. Hence, the following:

ORDER

i. The writ petition is disposed of with a liberty to the petitioner to approach the jurisdictional Deputy Commissioner by filing necessary revision petition under Section 136(3) of the Act. The same shall be done within a period of 30 days from today. ii. Upon filing such a revision petition , the Deputy Commissioner shall examine the genuineness of the grant or otherwise and pass appropriate orders in accordance with law as expeditiously as possible. Sd/- (M.I.ARUN) JUDGE VMB
List No.: 1 Sl No.: 46

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