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**Arunkumar and Others Vs. the Assistant Commissioner, Dharwar Revenue Division, Dharwar and Others**

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**SooperKanoon Citation : [sooperkanoon.com/374387](http://sooperkanoon.com/374387)**

**Court : Karnataka**

**Decided On : Sep-04-1998**

**Reported in : 1999(2)KarLJ28**

**Judge : Y. Bhaskar Rao and; N.S. Veerabhadraiah, JJ.**

**Acts : [Karnataka Land Revenue Act, 1964](#) - Sections 128 and 129**

**Appeal No. : Writ Appeal No. 2999 of 1998**

**Appellant : Arunkumar and Others**

**Respondent : The Assistant Commissioner, Dharwar Revenue Division, Dharwar and Others**

**Advocate for Pet/Ap. : Sri Krishna S. Dixit, Adv.**

**Judgement :**

Acts/Rules/Orders:

[Karnataka Land Revenue Act, 1964](#) - Sections 128 and 129

Cases Referred:

Hanumantha Gowda v. Gidde Gowda, ILR 1998 Kar. Sh. N. 62 (RSA No. 863 of 1990, DD: 27-10-1997)

## **JUDGEMENT**

1. This appeal is filed assailing the judgment of the learned Single Judge dismissing the writ petition.

2. The case of the appellants is that they filed an application for mutation of their names on the basis of a registered Will executed by the testator. According to the facts of the case, the testator registered the Will and thereafter cancelled the same. Relying on those Wills, the appellants filed a petition for mutation. The contesting respondent filed objections stating that there is another Will executed by the testator. That request was carried to the High Court in a writ petition. The learned Single Judge dismissed the writ petition holding that the parties have to approach the Civil Court to sort out their rights to the land as there are rival claims.

3. Learned Counsel for the appellants vehemently contended that when there is a registered document, there is a duty on the Tahsildar to make an entry. If any other person has got a right, he has to go and establish it in a Civil Court. Learned Counsel for the appellants relied on the judgment in Hanumantha Gowda v Gidde Gowda. We see no dispute about the proposition laid down in the said judgment. In this case, there are rival claims. One is registered and another is an ordinary Will. The ordinary Will is not produced. We cannot give a finding as to which Will is correct to be acted upon. Therefore, the learned Single Judge is correct in directing the appellant to approach the Civil Court. We further make it clear that the Revenue Authorities while exercising their jurisdiction and duties under Chapter 6 of the Land Revenue Act, if they find there are rival claims or title, they have to direct the parties to the Civil Court. The authorities shall not subject the parties to multiplicity of litigations which is neither in the interest of the State nor in the interest of the litigants. In view of the above, the appeal is dismissed with costs of Rs. 1,000/-.