

M. Chandra Keerthi Vs. the State of Karnataka and ors

M. Chandra Keerthi Vs. the State of Karnataka and ors

SooperKanoon Citation : sooperkanoon.com/907856

Court : Karnataka

Decided On : Nov-04-2010

Judge : A.S.Pachhapure J.

Appeal No. : WRIT PETITION NO.33976/2010 AND WRIT PETITION NO.34473/2010 [KLR-RR/SUR]

Appellant : M. Chandra Keerthi

Respondent : The State of Karnataka and ors

Advocate for Def. : SRI. R. OM KUMAR. AGA

Advocate for Pet/Ap. : SRI. S.SHIVAPRASAD. ADV

Judgement :

ORDER

1. Learned AGA is directed to take notice for respondents 1 to 4.
2. Heard the learned counsel for the petitioner and the learned AGA.
3. The petitioner instituted a suit in O.S.No.337/2004 seeking partition and separate possession of his share in the joint family properties. The said suit came to be decreed vide judgment and order dated 11-08-2005. The copy of said judgment has been produced at Annexure-C. The Court below declared that the petitioner is entitled to 1/19'h share in the properties bearing S.Nos.43/14 and

43/15. In pursuance of the preliminary decree drawn by the Court, the petitioner requested the revenue authorities to enter his name in the records to the extent of his share granted under the decree of the Court. The copy of his representation has been produced at Annexure-G. The said representation was submitted to the Special Tahsildar - Respondent No.4 on 18-10-2010. It is the grievance of the petitioner that no action has been taken by Respondent No.4 despite the representation submitted.

4. To effect the mutation entry, the revenue authorities will have to issue notice to the persons interested and hold an enquiry and thereafter, pass appropriate order directing the entry of the names and after the issuance of the notice, the authorities have to wait for a period of 30 days and thereafter, in case, if the objections are not filed, the entry has to be certified. Under the circumstances, the Respondent No.4 -Tahsildar is directed to consider the representation dated 30-09-2010 submitted on 18-10-2010 in accordance with law within a period of six months from the date of communication of this order. The petitions are accordingly disposed of.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com