

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT DHARWAD

DATED THIS THE 21ST DAY OF AUGUST 2008

BEFORE

THE HON'BLE MR.JUSTICE RAVI MALIMATH

WRIT PETITION NO.9955 OF 2007(KLR-RR/SUR)

BETWEEN:

Sri.Irappa S/o Parappa Maritammanavar,
Aged about 54 years, Occ:Agriculture,
R/o Neginahal, Tq:Bailhongal,
Dist:Belgaum.

.. PETITIONER

(By Sri I.G.Gachchinamath, Advocate)

AND:

1. The State of Karnataka,
By its Secretary to Revenue Department,
M.S.Building, Vidhana Veedhi,
Bangalore.

2. The Deputy Commissioner,
Belgaum District, Belgaum.

3. Smt.Mallawwa W/o Appayappa Patah,
Aged about 38 years, Occ:House Hold work,
R/O Neginahal,
Tq:Bailhongal, Dist:Belgaum.

Sh-

4. Sri Basavaraj S/o Siddappa
Jalikatti, aged about 35 years,
Occ:Private Service,
R/O Neginahal, Tq:Bailhongal,
Dist:Belgaum.

5. Smt.Gangavva W/O Siddappa
Jalikatti, aged about 58 years,
Occ:House Hold work,
R/O Neginahal, Tq:Bailhongal,
Dist:Belgaum.

6. Smt.Kasturi W/o Madivalappa
Kalled, aged about 30 years,
Occ:Madhanabhavi, Tq & Dist:
Dharwad.

.. RESPONDENTS

(By Smt.Vidyavathi, GP , for R-1 & 2,
Sri R.A.Machakanur, Advocate, for R-3 to 6)

-0-0-0-

This writ petition is filed under Articles 226 & 227 of the Constitution of India praying to call for records pertaining to the case of the petitioner from the Deputy Commissioner and quash the impugned order dated 29-3-2007 vide Annexure-C passed by the 2nd respondent.

This writ petition coming on for preliminary hearing in 'B' group this day, the Court made the following:-



ORDER

On a Revision Petition filed by respondent Nos. 3 to 6 before the Deputy Commissioner, Belgaum, the Deputy Commissioner passed an order allowing the Revision Petition by setting aside the order passed by the Assistant Commissioner and the Deputy Tahasildar. Accordingly, the case was remanded to the Tahasildar, Bailhongal, for fresh enquiry and disposal in accordance with law after impelading the necessary parties.

2. I have heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submits that the order of remand is bad in as much as the issues to be determined by the Tahasildar has not been determined in the impugned order. In spite of the three page order, the learned counsel for the petitioner submits that no reasons have been given while passing the impugned order. A perusal of the impugned order shows that the Deputy Commissioner has considered



the contentions of the petitioner herein. She has even observed to the effect that notices have not been issued to the interested persons as required under Section 129(2) of the Karnataka Land Revenue Act, 1964, and that the necessary parties have not been impleaded. The grounds referred to by the Deputy Commissioner while passing the impugned order are well founded and do not call for interference.

Bailhongal, ^A ~~H~~

^A
⊗ Corrected vid
c.o.dt: 5.3.

The Tahasildar, (Belgaum,) is directed to hold a fresh enquiry by referring to the contentions of the petitioner and the respondents before passing any order.

The petition being devoid of merits is accordingly rejected.

Sd/-
JUDGE

Rsk/-

BSPJ
05/03/2012

W.P.NO.9955/2007

ORDER

Accepting the reasons stated in the application, the prayer for correction of the typographical mistake committed in the penultimate portion of the order dated 21.08.2008 stating that 'the Tahasildar, Belgaum, is directed to hold a fresh enquiry', instead of stating Tahasildar, Bailhongal is directed to make fresh enquiry is allowed. The said mistake is ordered to be corrected. Corrected copy of the order has to be issued to the parties at their cost.

Sd/-
JUDGE

R/