

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2018

BEFORE

THE HON'BLE MRS.JUSTICE B.V.NAGARATHNA

WRIT PETITION No.17542/2017 (KLR-RES)

BETWEEN:

SRI M. VENUVAS
S/O. M. VENKATARAMAIAH,
AGED ABOUT 27 YEARS,
R/AT MODALA MANTION,
RATHNAGIRI ROAD,
CHIKKAMAGALUR CITY – 577 101. PETITIONER

(BY SRI P.N. MANMOHAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M.S. BUILDING, BENGALURU – 560 001
REPRESENTED BY ITS SECRETARY.
2. DEPUTY COMMISSIONER,
CHIKKAMAGALURU DISTRICT,
CHIKKAMAGALURU – 577 101.
3. ASSISTANT COMMISSIONER,
CHIKKAMAGALURU – 577 101.
4. TAHASILDAR,
CHIKKAMAGALURU TALUK,
CHIKKAMAGALURU – 577 101.
5. SYED MUKTHIYAR AHMED
S/O. S.M. YUSUFF,
AGED ABOUT 65 YEARS,
R/AT NO.21, MIGHB COLONY,
JYOTHINAGAR,
CHIKKAMAGALUR CITY – 577 101. RESPONDENTS

(BY SRI R.B. SATHYANARAYANA SINGH, AGA FOR R-1 TO R-4;
SRI K. DIWAKAR, ADVOCATE FOR R-5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 06.09.2016 PASSED BY RESPONDENT NO.2 BEARING NO.RA.11/2011-12 (PRODUCED AT ANNEXURE-N); AND QUASH THE ORDER DATED 07.02.2017 PASSED BY 4TH RESPONDENT IN NO.RRD.123/2016-17 (PRODUCED AT ANNEXURE-P).

THIS PETITION COMING ON FOR ORDERS THIS DAY, COURT MADE THE FOLLOWING:

ORDER

This writ petition is listed to consider I.A.1/2018 filed for vacating interim order dated 27/04/2017.

2. Learned counsel for the petitioner submits that irrespective of merits of the case, petitioner is mainly aggrieved by the violation of principles of natural justice in passing the impugned order dated 06/09/2016 by respondent No.2. (Annexure 'N') and consequential order passed by 4th respondent dated 07/02/2017 (Annexure 'P'). Therefore, the learned counsel for the petitioner requested to quash the impugned orders and remand the matter to the second respondent – Deputy Commissioner, Chikkamagalur District, Chikkamagalur for reconsideration of the revision petition filed by the 5th respondent herein. Learned counsel for the petitioner further submits that

petitioner's vendor was arrayed as Respondent No.3 before the second respondent whereas the petitioner's mother had purchased the land in question and he was not arrayed as party in the said proceedings. That petitioner's mother purchased the said land and she has gifted the property to the petitioner but the petitioner was not arrayed as a party before the second respondent. He, therefore, submits that the petitioner may be arrayed as respondent in the proceedings before the second respondent and the second respondent – authority may be directed to reconsider the revision petition filed by the fifth respondent herein.

3. Learned counsel for the 5th respondent and learned A.G.A. appearing for R-1 to R-4 submit that since the petitioner was not arrayed as a party before the second respondent – authority, appropriate orders may be passed in that behalf. Their submission is placed on record.

4. In the circumstances, without going into the merits of the case or the correctness of the impugned orders at Annexures – N and P, they are quashed. Petitioner herein is directed to be impleaded as the

respondent in the proceedings before the second respondent - authority.

5. As the authorities are represented by their respective counsel, they are directed to appear before the second respondent - authority on 24/09/2018 without expecting any separate notice from the said authority. The second respondent is directed to dispose of the revision petition in accordance with law after giving adequate opportunity to the parties.

6. In the above circumstances, the petition is disposed of in with the following terms.

7. The impugned order dated 06/09/2016 by respondent No.2. (Annexure 'N') and consequential order passed by 4th respondent dated 07/02/2017 (Annexure 'P') are quashed. The matter is remanded to the second respondent - authority to dispose of the same in accordance with law after giving adequate opportunity to all the parties concerned.

8. Since the revision petition is of the year 2011-12, all the parties are directed to co-operate with the

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second respondent – authority for expeditious disposal of
the revision petition.

9. In view of the disposal of the writ petition,
I.A.1/2018 is also disposed off.

**Sd/-
JUDGE**

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