



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF FEBRUARY, 2023

BEFORE

THE HON'BLE MR JUSTICE R DEVDAS

WRIT PETITION NO. 2358 OF 2023 (KLR-RES)

BETWEEN:

1. MADHEVI
D/O LATE M. NARAYANAPPA,
AGED ABOUT 50 YEARS,
KONDASHETTIHALLI VILLAGE,
TEKAL HOBLI,
MALUR TALUK,
KOLAR DISTRICT-563 101.

...PETITIONER

(BY SRI. NEELAKANTAPPA K. PUJAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDING,
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,
KOLAR-563 101.
3. THE ASSISTANT COMMISSIONER,
KOLAR SUB-DIVISION,
KOLAR-563 101.
4. THE TAHASILDAR,
KOLAR TALUK,
KOLAR DISTRICT-563 101.

...RESPONDENTS

(BY SRI. C.N. MAHADESWARAN, AGA)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ENDORSEMENT ISSUED BY THE R4 ORDER NO.RRT.CR.151/2017.18 DATED 24.01.2018 AT ANNEXURE-A AND ETC.

THIS WP COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

R.DEVDAS J., (ORAL):

Learned Additional Government Advocate takes notice for all the respondents.

2. The petitioner is aggrieved by the impugned endorsement issued by the 4th respondent Tahsildar, Kolar Taluk, Kolar District on 24.01.2018 declining to continue the name of the petitioner in the land records although the name of the petitioner was entered in the land records in terms of MR No.3/94-95 and continued till the year 2001, but after the computerization of the RTC's the name of the petitioner was not continued in the RTC. Similar situation arose in W.P.No.41438/2017 in respect of the very same Tahsildar, Malur Taluk and this Court passed an order on 24.02.2022 with certain directions.



3. On hearing the learned counsel for the petitioner, the learned Additional Government Advocate and on perusing the petition papers, this Court finds that the Tahsildar is duty bound to consider an application made by a person who claims to have acquired right over the revenue lands by virtue of a registered instrument, as provided under Section 128(1) of the KLR Act. It is the duty of the Tahsildar, to secure the original grant register, saguvali chit issue register and other contemporaneous records such as mutation extract to find out about the genuineness of the claim made by the petitioner. An opportunity should be given to the petitioner to look into the original records. The Tahsildar cannot simply issue an endorsement stating that no original records are available in the office. Even if the original grant certificate, saguvali chit issue register are not available, the State Government has made other arrangement to consider such cases, by constituting a Committee for reconstruction of missing files.



4. Consequently, this writ petition stands ***disposed of*** with a specific direction to the 4th respondent-Tahsildar to consider the representation given by the petitioner for entering her name in the land revenue records. If the Tahsildar is of the opinion that the original records are not available, then the matter may be placed before the Committee constituted by the State Government for the purpose of verifying the claim of such persons. The Committee shall look into the matter and pass necessary orders directing the Tahsildar and the Tahsildar shall carryout the orders passed by the Committee. The entire exercise shall be completed within a period of six months from the date of receipt of copy of this order.

Ordered accordingly.

**Sd/-
JUDGE**

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List No.: 1 Sl No.: 12