

32762/2021

G. Ravishankar Shastri

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2021

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.10158 OF 2021 (KLR-RES)

BETWEEN:

SHAKUNTHALA H S,
W/O LATE SHIVAMURTHY,
AGED ABOUT 54 YEARS,
R/AT KANTHUKODI,
DURGA BHAVAN HOUSE,
KEDILA VILLAGE,
BANTWAL TALUK,
D K DISTRICT-574 219.

...PETITIONER

(BY SRI. RAVISHANKAR SHASTRY G, ADVOCATE)

AND:

1. THASILDAR,
BANTWAL TALUK,
D K DISTRICT-574 219.
2. ASSISTANT COMMISSIONER,
MANGALURU SUB DIVISION,
MANGALURU D.K. DISTRICT-575 001.

...RESPONDENTS

(BY SRI. R SRINIVAS GOWDA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R1 TO ENTER THE NAME OF PETITIONER IN RESPECT OF LANDS IN SY.NO.256/6P1 MEASURING 0.52 ACRES, SY.NO.256/7A4 MEASURING 0.18 ACRES,



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SY.NO.256/7B MEASURING 1-27 ACRES AND SY.NO.256/7C MEASURING 0.72 ACRES SITUATED AT KEDILA VILLAGE OF BANTWAL TALUK, D.K DISTRICT AS PER THE DECREE PASSED IN O.S.NO.7/2020 DATED 19.09.2020 PASSED BY THE COURT OF THE PRINCIPAL CIVIL JUDGE AND JMFC, BANTWAL, D.K WITHOUT INSISTING FOR PRODUCTION OF 11E SKETCH BY CONSIDERING THE REPRESENTATION DATED 29.10.2020 COPY OF WHICH IS PRODUCED AT ANNEXURE-A

THIS PETITION COMING ON FOR PRELIMINARY HEARING-B GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

Petitioner having obtained a partition decree on compromise in O.S.No.7/2020, had sought for mutation of entries in his favour in terms thereof; the respondent-Tahsildar did not favour his claim on the sole ground that the decree in question is not accompanied by Form 11E Sketch.

2. After service of notice, the respondents having entered appearance through the learned Addl. Govt. Advocate oppose the Writ Petition on the ground that Form 11E Sketch is the requirement of law u/s 128 of the Karnataka Land Revenue Act, 1964, for mutating the entries in terms of Court decree under proviso to Sec.135 of the K.L.R. Act, 1964.



IN THE HIGH COURT

DATED THIS

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THE

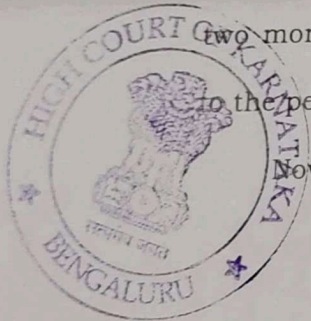
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3. Learned counsel for the petitioner at once responds by pointing out to the Circular dated 14.11.2016 issued by the Director of Bhoomi & UPOR, a copy whereof is placed on record by a Memo which dispenses with the requirement of Form 11E Sketch, wherever there is a Court decree.

In the above circumstances, this Writ Petition is favoured; a direction issues to the respondent-Tahsildar to make entries in terms of Compromise Decree in question without insisting upon Form 11E Sketch, within a period of

two months failing which the Tahsildar shall personally pay to the petitioner Rs.2,000/- per day if delay is brooked.

Now, no costs.



Sd/-
JUDGE

- a) The date on which the application was made 19/8/24
- b) The date on which charges and additional Charges if any are called for
- c) The dated on which charges and additional Charges if any are deposited/Paid
- d) The date on which the copy is ready 30/8/24
- e) The date of notifying that the copy is ready For delivery 30/8/24
- f) The date on which the applicant is required to appear on or before 21/9/24
- g) The date on which the copy is delivered to the Applicant
- h) Examined by 21/8/2024

'TRUE COPY'

Spesh. of
Section Officer, 30/8/24
High Court of Karnataka
Bangalore - 560 001