IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 18TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO. 102937 OF 2018 (KLR-RR/SUR)

BETWEEN:

DR. SARASWATHI N.,
AGE: 42 YEARS, OCC: SERVICE,
R/O: 14/2, J N M C, CAMPUS,
NEHRU NAGAR, BELAGAVI-590010.

...PETITIONER

(BY SRI. VITTHAL S. TELI, ADVOCATE)

AND:

1. THE JOINT DIRECTOR OF LAND RECORDS
AND CITY SURVEY DEPARTMENT,
NORTH RANGE, BELAGAVI,
D.C. COMPOUND, BELAGAVI-590001.

2. THE TECHNICAL ASSISTANT TO
DEPUTY COMMISSIONER AND
EX OFFICIO DEPUTY DIRECTOR
OF LAND RECORDS, BELAGAVI,
D.C. COMPOUND, BELAGAVI-590001.

3. THE ASSISTANT DIRECTOR OF LAND RECORDS,
BELAGAVI, OLD Z P OFFICE, BELAGAVI-590001.

4. MOHAMMADSAB AZAMATSAB MULLA,
AGE: 70 YEARS, OCC: PENSIONER,
R/O: MUNVALLI, TQ: SAUNDATTI,
DIST: BELAGAVI,
PRESENT AT H.NO.94,
ALTAF MANZIL, SHIVABASAVA NAGAR,
BELAGAVI-590010.

...RESPONDENTS

(BY SRI. JAIRAM SIDDI, HCGP FOR R1-R3;
SMT. P.G. NAIK, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT QUASHING THE ORDER BEARING

MANJANNA E
Digitally signed by MANJANNA E
Date: 2024.12.20 12:30:34 +0530

NO.REV/SR-20/2013-14 DATED:05.08.2015 BY THE RESPONDENT NO.1 VIDE ANNEXURE "D" AND CONSEQUENTLY DIRECT THE RESPONDENT NO.3 TO ENTER THE NAME OF THE PETITIONER AS PER SALE DEED DATED:02.08.2004 VIDE ANNEXURE "A".

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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR)

1. Heard the learned counsel for the petitioner, learned HCGP for respondent Nos.1 to 3 and the learned counsel Smt.P.G.Naik for respondent No.4.

2. Petitioner has filed a memo dated 09.11.2024 along with the application filed under Order XXIII Rule 3 read with Section 151 of CPC along with the compromise decree passed by the Trial Court in original suit in O.S.No.433/2022 on the file of II Additional Senior Civil Judge & CJM, Belagavi at Belagavi on 19.11.2024.

3. It is submitted that the petitioner and respondent No.4 have settled the matter between themselves by virtue of this compromise petition and a decree has been drawn accordingly, by the learned II Additional Senior Civil Judge & CJM, Belagavi. Respondent

No.4 has admitted that the petitioner has purchased CTS No.9483 situated at Mahantesh Nagar, Mal-Maruti Extension, Belagavi, wherein the respondent No.4 herein and another legal representative of respondent No.4 are consenting parties.

4. Respondent No.4 has submitted no objection to restoring the name of petitioner in the revenue records, as per the registered sale deed dated 02.08.2004. Under the circumstances, since the parties have amicably settled matter and a compromise decree is drawn in the aforementioned original suit and the memo for disposal dated 09.11.2024, this petition filed by the petitioner, who was the defendant, in the trial Court requires to be disposed of.

5. Accordingly, I pass the following:

ORDER

i. This petition is disposed of in view of the compromise petition executed by the petitioner

and the respondent No.4 in the suit mentioned hereinabove. Consequently, the impugned order passed by the respondent No.1 dated 05.08.2015 vide Annexure-D is hereby quashed.

ii. A writ of mandamus is issued directing the respondent No.3 to restore the name of the petitioner in the revenue records on the basis of the registered sale deed and the compromise deed.

iii. Ordered accordingly.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

KGK
CT-MCK
List No.: 1 Sl No.: 91