

# Karnataka High Court

## Sri John Adil Kamath Pinto vs Shri Umesh Chandra on 26 July, 2013

Author: N.K.Patil And B.Manohar

-1-

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF JULY 2013

PRESENT

THE HON'BLE MR.JUSTICE N.K. PATIL

AND

THE HON'BLE MR. JUSTICE B. MANOHAR

CCC Nos.820 & 885-886/2013 (CIVIL)

BETWEEN:

1. SRI JOHN ADIL KAMATH PINTO  
S/O LATE JOSEPH PINTO  
AGED ABOUT 54 YEARS  
FLAT NO.1-B, MADAVI SHANKAR APT  
NO.151, WHEELERS ROAD  
FRAZER TOWN  
BANGALORE-560005
2. SMT ELIZABETH  
AGED ABOUT 52 YEARS  
D/O SANGLIYANA  
NO.628/B-4, NATIONAL GAMES  
COMPLEX, KORAMANGALA

BANGALORE

3. SMT RATHANGAPUII  
AGED ABOUT 70 YEARS  
D/O LATE UMIRAM  
NO.628/B-4, NATIONAL GAMES  
COMPLEX, KORAMANGALA  
BANGALORE

-2-

ALL ARE REPRESENTED THROUGH  
THEIR GPA HOLDER  
SRI R BHARAT RAJ  
AGED ABOUT 53 YEARS  
S/O LATE P RAMACHANDRAPPA  
NO.862, DR M C MODI ROAD  
BASAVESHWARANAGAR  
BANGALORE-560086

... COMPLAINANTS

(BY SRI D. PRABHAKAR, ADV.)

AND:

1. SRI UMESH CHANDRA  
THE TAHASILDAR  
BANGALORE NORTH TALUK  
YELAHANKA  
BANGALORE URBAN DIST
2. SRI RAJU NAYAK  
THE ASSISTANT DIRECTOR OF LAND RECORDS

YELAHANKA ADDITIONAL TALUK  
C/O TALUK OFFICE, YELAHANKA TALUK  
YELAHANKA  
BANGALORE URBAN DISTRICT . . . ACCUSED

THESE CCCs ARE FILED UNDER SECTIONS 11 & 12 OF  
THE CONTEMPT OF COURTS ACT BY THE COMPLAINANTS  
PRAYING TO INITIATE CONTEMPT PROCEEDINGS AGAINST THE  
ACCUSED FOR DISOBEYING THE ORDER DATED 13.11.2009  
PASSED BY THE HON'BLE HIGH COURT IN W.P.NOS.33512-  
33521/2009 VIDE ANNEXURE-A.

-3-

THESE CCCs COMING ON FOR ORDERS THIS DAY,  
N.K. PATIL J., MADE THE FOLLOWING: -

ORDER

The complainants have filed these contempt petitions with a prayer to initiate Contempt of Court proceedings against the accused and punish them for willful disobedience of the order dated 13.11.2009 passed in W.P.Nos.33512-33521/2009.

2. Sri D. Prabhakar, learned counsel appearing for the complainants submits that the instant contempt petitions be dismissed as withdrawn.

3. In view of the submission made by the learned counsel appearing for the complainants, these contempt petitions are dismissed as withdrawn, reserving liberty to the complainants to redress their grievance before the authority and also the jurisdictional Deputy

Commissioner - the 1st respondent in the writ petition and all the contentions urged in the instant contempt petitions are left open.

Sd/-

JUDGE Sd/-

JUDGE NG\*

Karnataka High Court

Sri John Adil Kamath Pinto vs The State Of Karnataka on 31 January, 2014

Author: Dr. Jawad Rahim

1

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31ST DAY OF JANUARY 2014

BEFORE

THE HON'BLE DR.JUSTICE JAWAD RAHIM

WRIT PETITION NO.74/2014 (KLR-RR/SUR)

BETWEEN:

SRI JOHN ADIL KAMATH PINTO  
AGED ABOUT 42 YEARS  
S/O.LATE JOSEPH PINTO  
FLAT NO.1-B  
MADHAVI SHANKAR APARTMENTS  
NO.151, WHEELERS ROAD  
FRAZER TOWN  
BANGALORE - 560 005.

...PETITIONER

(BY SRI D.PRABHAKAR, ADV.)

AND:

1. THE STATE OF KARNATAKA  
REVENUE DEPARTMENT  
VIKASA SOUDHA  
DR.AMBEDKAR ROAD  
BANGALORE - 560 001.

2. THE TAHSILDAR  
BANGALORE NORTH (ADDITIONAL TALUK)  
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI D.ASHWATHAPPA, AGA FOR R-1 AND 2)

THIS WRIT PETITION IS FILED UNDER ARTICLES  
226 AND 227 OF THE CONSTITUTION OF INDIA WITH A  
PRAYER TO DIRECT THE R-2 TO CONSIDER THE  
PETITIONER'S APPLICATION DATED 18.5.2013, VIDE ANN-  
C, FOR MUTATION OF KHATHA AND TO MUTATE THE  
REVENUE RECORDS IN THE NAME OF THE PETITIONER IN  
RESPECT OF THE SAID LANDS.

2

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

ORDER

The petitioner in this writ action seeks direction to the second respondent to consider his application vide Annexure 'C' for transfer of katha in respect of property bearing Sy.No.22 situate at Gadenahalli village, Jala Hobli, Bangalore North (Additional) Taluk.

2. Sri D.Ashwathappa, learned AGA takes notice for respondents 1 and 2.

3. From the submission of learned counsel and the statement of facts in the petition, it could be seen that the petitioner claims, the land in Sy.No.22/P-22 of Gadenahalli village, Jala Hobli, Bangalore North Taluk was granted to his mother Smt.Uno Pinto, measuring 2 acres as evidenced from the Grant Certificate No.LNDSR9/1, 76-77 dated 3.9.1979 with the signature of Tahsildar, Devanahalli Taluk. The same was affirmed in Order No.ALN/Sub- Registrar/9/1976-77.

3

It is further averred that based on the Grant Certificate issued, the revenue records are mutated in MR No.10/79-80RR215 and katha No.74 was created. It stood in her name till she died.

4. The petitioner relies on the copy of R.T.C, Annexure 'A' and Death Certificate of his mother vide Annexure 'B' to contend that he being the sole heir, became entitled to the property and consequently, applied for transfer of katha to his name vide Annexure 'C'.

5. It is alleged that the Tahsildar has failed to consider the application, though filed on 18.5.2013 resulting in hardship to the petitioner.

6. From such facts, it is seen that the petitioner claims he is the legal heir of Smt.Uno Pinto, in whose favour the lands were granted and she was a khathedar. If the petitioner could substantiate these aspects, he will be legally entitled to get the katha transferred to his name. Therefore, respondent No.2 4 was required to consider his application and pass appropriate orders.

7. It appears, the Tahsildar has not acted on the application which amounts to failure to perform the duty cast on it under the provisions of the Karnataka Land Revenue Act and Rules made therein.

8. In the circumstances, writ petition is allowed. Rule is made absolute. Respondent No.2 is directed to consider the application filed by the petitioner vide Annexure 'C' and pass appropriate orders, if the petitioner could substantiate his right in respect of property in question.

Sri D.Ashwathappa, learned AGA is permitted to file his memo of appearance within three weeks.

SD/-

**JUDGE nas.**

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31<sup>ST</sup> DAY OF JANUARY 2014

BEFORE

THE HON'BLE DR.JUSTICE JAWAD RAHIM

WRIT PETITION NO.74/2014 (KLR-RR/SUR)

BETWEEN:

SRI JOHN ADIL KAMATH PINTO  
AGED ABOUT 42 YEARS  
S/O.LATE JOSEPH PINTO  
FLAT NO.1-B  
MADHAVI SHANKAR APARTMENTS  
NO.151, WHEELERS ROAD  
FRAZER TOWN  
BANGALORE - 560 005.

...PETITIONER

(BY SRI D.PRABHAKAR, ADV.)

AND:

1. THE STATE OF KARNATAKA  
REVENUE DEPARTMENT  
VIKASA SOUDHA  
DR.AMBEDKAR ROAD  
BANGALORE - 560 001.
2. THE TAHSILDAR  
BANGALORE NORTH (ADDITIONAL TALUK)  
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI D.ASHWATHAPPA, AGA FOR R-1 AND 2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA WITH A PRAYER TO DIRECT THE R-2 TO CONSIDER THE PETITIONER'S APPLICATION DATED 18.5.2013, VIDE ANN-C, FOR MUTATION OF KHATHA AND TO MUTATE THE REVENUE RECORDS IN THE NAME OF THE PETITIONER IN RESPECT OF THE SAID LANDS.



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

ORDER

The petitioner in this writ action seeks direction to the second respondent to consider his application vide Annexure 'C' for transfer of katha in respect of property bearing Sy.No.22 situate at Gadenahalli village, Jala Hobli, Bangalore North (Additional) Taluk.

2. Sri D.Ashwathappa, learned AGA takes notice for respondents 1 and 2.

3. From the submission of learned counsel and the statement of facts in the petition, it could be seen that the petitioner claims, the land in Sy.No.22/P-22 of Gadenahalli village, Jala Hobli, Bangalore North Taluk was granted to his mother Smt.Uno Pinto, measuring 2 acres as evidenced from the Grant Certificate No.LNDSR9/1, 76-77 dated 3.9.1979 with the signature of Tahsildar, Devanahalli Taluk. The same was affirmed in Order No.ALN/Sub-Registrar/9/1976-77.

It is further averred that based on the Grant Certificate issued, the revenue records are mutated in MR No.10/79-80RR215 and katha No.74 was created. It stood in her name till she died.

4. The petitioner relies on the copy of R.T.C, Annexure 'A' and Death Certificate of his mother vide Annexure 'B' to contend that he being the sole heir, became entitled to the property and consequently, applied for transfer of katha to his name vide Annexure 'C'.

5. It is alleged that the Tahsildar has failed to consider the application, though filed on 18.5.2013 resulting in hardship to the petitioner.

6. From such facts, it is seen that the petitioner claims he is the legal heir of Smt.Uno Pinto, in whose favour the lands were granted and she was a khathedar. If the petitioner could substantiate these aspects, he will be legally entitled to get the katha transferred to his name. Therefore, respondent No.2

was required to consider his application and pass appropriate orders.

7. It appears, the Tahsildar has not acted on the application which amounts to failure to perform the duty cast on it under the provisions of the Karnataka Land Revenue Act and Rules made therein.

8. In the circumstances, writ petition is allowed. Rule is made absolute. Respondent No.2 is directed to consider the application filed by the petitioner vide Annexure 'C' and pass appropriate orders, if the petitioner could substantiate his right in respect of property in question.

Sri D.Ashwathappa, learned AGA is permitted to file his memo of appearance within three weeks.

SD/-  
JUDGE

nas.

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 11<sup>TH</sup> DAY OF AUGUST, 2014

BEFORE

THE HON'BLE MR.JUSTICE S.ABDUL NAZEER

CIVIL MISCELLANEOUS PETITION No.181 OF 2013

BETWEEN:

SRI A.V.VASUDEVAN,  
S/O LATE A.R.VENKATACHARI,  
AGED 55 YEARS,  
PRESENTLY R/AT FLAT NO.B-003,  
RENAISSANCE TEMPLE APARTMENT,  
OPP.ISCON,  
BEHIND KARNATAKA SOAP INDUSTRIAL  
SUBURB, YESHWANTHAPUR,  
BANGALORE - 560 022. ... PETITIONER

(BY SMT. AKKAMAHADEVI HIREMATH, ADV.)

AND

MRS.ROTHANGLPUII,  
D/O HMUIA,  
AGED 72 YEARS,  
R/AT NO.622. V-4,  
NATIONAL GAMES VILLAGE,  
KORAMANGALA,  
BANGALORE - 560 034. ... RESPONDENT

(BY SRI D.PRABHAKAR, ADV.)

THIS CMP IS FILED UNDER SECTION 11(6)(a) OF THE  
ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO  
APPOINT A ARBITRATOR AS CONTEMPLATED IN AGREEMETN  
OF SALE DATED 15/02/2010.

THIS CMP COMING ON FOR ADMISSION THIS DAY, THE COURT PASSED THE FOLLOWING:

ORDER

Learned counsel for the petitioner has filed a memo stating that matter has been partly settled. She has sought for withdrawal of this civil miscellaneous petition with liberty to file a fresh civil miscellaneous petition in the event if the compromise is not materialized.

2. Memo is placed on record. The civil miscellaneous petition is dismissed as withdrawn with liberty as above. No costs.

Sd/-  
JUDGE

KLY/

Karnataka High Court

Sri A.V. Varadarajan vs Mrs. Uno Pinto @ Mrs. Una Mercy Rita ... on 11 August, 2014

Author: S.Abdul Nazeer

1

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 11TH DAY OF AUGUST, 2014

BEFORE

THE HON'BLE MR.JUSTICE S.ABDUL NAZEER

CIVIL MISCELLANEOUS PETITION No.183 OF 2013

BETWEEN:

SRI A.V.VARADARAJAN,  
S/O LATE A.R.VENKATACHARI,  
AGED 63 YEARS,  
PRESENTLY R/AT FLAT NO.8,  
2ND FLOOR, SEENAPPA LAYOUT,  
NEW BEL ROAD,  
BANGALORE - 560 094.

... PETITIONER

(BY SMT. AKKAMAHADEVI HIREMATH, ADV.)

AND

1 MRS.UNO PINTO @  
MRS.UNA MERCY RITA PINTO  
SINCE DEAD BY LR's

1(a) SRI JOHN ADIL KAMATH PINTO,  
S/O LATE UNO PINTO,  
AGED 42 YEARS,  
R/AT FLAT NO.1B, MADARI SHANKAR,  
NO.159, WHEELERS ROAD,  
FRAZER TOWN,  
BANGALORE - 560 005.

... RESPONDENT

(BY SRI D.PRABHAKAR, ADV.)

THIS CMP IS FILED UNDER SECTION 11(6)(a) OF THE  
ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO

2

APPOINT A ARBITRATOR AS CONTEMPLATED IN AGREEMENT  
OF SALE DATED 22/03/2010.

THIS CMP COMING ON FOR ADMISSION THIS DAY, THE  
COURT PASSED THE FOLLOWING:

ORDER

Learned counsel for the petitioner has filed a memo stating that matter has been partly settled. She has sought for withdrawal of this civil miscellaneous petition with liberty to file a fresh civil miscellaneous petition in the event if the compromise is not materialized.

2. Memo is placed on record. The civil miscellaneous petition is dismissed as withdrawn with liberty as above. No costs.

Sd/-

JUDGE KLY/

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 11<sup>TH</sup> DAY OF AUGUST, 2014

BEFORE

THE HON'BLE MR.JUSTICE S.ABDUL NAZEER

CIVIL MISCELLANEOUS PETITION No.182 OF 2013

BETWEEN:

SRI G.R.RAJANNA,  
S/O K.RAMANATHAIAH,  
AGED 52 YEARS,  
FLAT NO.1, NO.60,  
SHREYAS APARTMENT,  
18<sup>TH</sup> CROSS, MALLESWARAM,  
BANGALORE – 560 055. ... PETITIONER

(BY SMT. AKKAMAHADEVI HIEMATH, ADV.)

AND

SRI JOHN ADIL KAMATH PINTO,  
S/O LATE UNO PINTO,  
AGED 42 YEARS,  
R/AT FLAT NO.1B, MADARI SHANKAR,  
NO.159, WHEELERS ROAD,  
FRAZER TOWN,  
BANGALORE – 560 005. ... RESPONDENT

(BY SRI D.PRABHAKAR, ADV.)

THIS CMP IS FILED UNDER SECTION 11(6)(a) OF THE  
ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO  
APPOINT A ARBITRATOR AS CONTEMPLATED IN AGREEMENT  
OF SALE DATED 11/03/2010.

THIS CMP COMING ON FOR ADMISSION THIS DAY, THE  
COURT PASSED THE FOLLOWING:



ORDER

Learned counsel for the petitioner has filed a memo stating that matter has been partly settled. She has sought for withdrawal of this civil miscellaneous petition with liberty to file a fresh civil miscellaneous petition in the event if the compromise is not materialized.

2. Memo is placed on record. The civil miscellaneous petition is dismissed as withdrawn with liberty as above. No costs.

Sd/-  
JUDGE

KLY/

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 11<sup>TH</sup> DAY OF AUGUST, 2014

BEFORE

THE HON'BLE MR.JUSTICE S.ABDUL NAZEER

CIVIL MISCELLANEOUS PETITION No.184 OF 2013

BETWEEN:

SRI A.V.VASUDEVAN,  
S/O LATE A.R.VENKATACHARI,  
AGED 55 YEARS,  
PRESENTLY R/AT FLAT NO.B-003,  
RENAISSANCE TEMPLE APARTMENT,  
OPP. ISCON,  
BEHIND KARNATAKA SOAP INDUSTRIAL  
SUBURB, YESHWANTHAPURA,  
BANGALORE – 560 022.

... PETITIONER

(BY SMT. AKKAMAHADEVI HIREMATH, ADV.)

AND

1 SMT. ELIZABETH,  
W/O DEVANAND REANG,  
AGED 41 YEARS,

2 MRS.ROTHANGLPUII,  
D/O HMUIA,  
AGED 72 YEARS,  
(GPA HOLDER OF SMT. ELIZABETH)

BOTH ARE RESIDING AT  
NO.628, V-4, NATIONAL GAMES VILLAGE,  
KORAMANGALA,

BANGALORE – 560 034.

... RESPONDENTS

(BY SRI D.PRABHAKAR, ADV.)

THIS CMP IS FILED UNDER SECTION 11(6)(a) OF THE ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO APPOINT A ARBITRATOR AS CONTEMPLATED IN AGREEMENT OF SALE DATED 27/02/2010.

THIS CMP COMING ON FOR ADMISSION THIS DAY, THE COURT PASSED THE FOLLOWING:

O R D E R

Learned counsel for the petitioner has filed a memo stating that matter has been partly settled. She has sought for withdrawal of this civil miscellaneous petition with liberty to file a fresh civil miscellaneous petition in the event if the compromise is not materialized.

2. Memo is placed on record. The civil miscellaneous petition is dismissed as withdrawn with liberty as above. No costs.

Sd/-  
JUDGE

KLY/