IN THE HIGH COURT OF KARNATAKA

DHARWAD BENCH

DATED THIS THE 10TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 104744 OF 2023 (KLR-RES)

BETWEEN:

1. SHIVAPPA S/O GAVISIDDAPPA KABBER
   AGE. 42 YEARS, OCC. AGRICULTURE,
   R/O. BHADDURBANDI VILLAGE,
   TQ AND DIST. KOPPAL.

2. GANGAVVA ALIAS GANGAMMA
   W/O GAVISIDDAPPA KABBER
   AGE. 60 YEARS, OCC. HOUSEHOLD WORK,
   R/O. BHADDURBANDI VILLAGE,
   TQ AND DIST. KOPPAL.

3. BASAVARAJ S/O GAVISIDDAPPA KABBER
   AGE. 35 YEARS, OCC. LABOURER
   R/O. BHADDURBANDI VILLAGE,
   TQ AND DIST. KOPPAL

...PETITIONERS

(BY SRI SURESH P HUDEDAGADDI, ADVOCATE.)

SUJATA SUBHASH PAMMAR
Digitally signed by SUJATA SUBHASH PAMMAR
Date: 2024.01.17 00:55:05 -0800

AND:

1. THE STATE OF KARNATAKA
   R/BY ITS SECRETARY
   TO REVENUE DEPARTMENT
   M.S.BUILDING, BENGALURU.

2. DEPUTY COMMISSIONER KOPPAL
   DIST.KOPPAL.

3. THE TAHSHILDAR
KOPPAL, DIST.KOPPAL.

4. CHANABASAPPA
S/O GAVISIDDAPPA KABBER ALIAS MATTUR
AGE. MAJOR, OCC. AGRICULTURE,
R/O. NEAR THERAPANTHI BHAVAN,
KOPPAL, DIST.KOPPAL.

5. SHARANAPPA
S/O GAVISIDDAPPA KABBER ALIAS MATTUR
AGE. MAJOR, OCC. AGRICULTURE,
R/O. NEAR THERAPANTHI BHAVAN,
KOPPAL, DIST.KOPPAL.

…RESPONDENTS

(BY SRI V.S.KALASURMATH, HCGP, FOR R.1 TO R.3;
SRI ANAND R. KOLLI, ADVOCATE, FOR R.4 AND R.5.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR DIRECTION IN THE NATURE OF MANDAMUS DIRECTING THE SECOND RESPONDENT TO TAKE NECESSARY ACTION AGAINST RESPONDENT NO.3 WHO HAS WILLFULLY DISOBEYED THE ORDER DATED 22.06.2023 PASSED BY THE SECOND RESPONDENT IN APPEAL/41/2021-22 VIDE ANNEXURE-B, AND ETC.,.

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

ORDER

The petitioner has filed a Revenue Appeal before the Deputy Commissioner, Koppal. In that proceedings he had filed an application under Order 11 Rule 16 read with section 151 of CPC, to summon the records from the office of Tahasildar, Koppal. The said application having not been considered, prompted the petitioner to approach this Court in W.P.No.103405/2023.

2. This Court, vide order dated 01.06.2023, directed respondent No.2 to consider the application submitted by the petitioner. In the light of the order passed by this Court, respondent No.2 passed an order dated 22.06.2023 directing the 3rd respondent to furnish the documents as enumerated in the said order.

3. The petitioner's grievance is that, despite the order passed by the 2nd respondent, the 3rd respondent without any sufficient cause has not chosen to furnish the documents summoned.

4. Therefore, it is expedient to dispose of the writ petition directing the 3rd respondent to furnish the documents summoned by the 2nd respondent, vide order dated 22.06.2023, at Annexure-B, if available, and if not available, submit a report to that effect before the 2nd respondent. The said exercise shall be concluded within a period of two weeks form the date of receipt of a certified copy of this order.

The writ petition stands disposed of accordingly.

Sd/-
JUDGE

MRK
List No.: 2 Sl No.: 45