



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO. 5403 OF 2021 (KLGP)

BETWEEN:

SRI. D.C. REVANNA,
SINCE DEAD BY LRS

1. SMT. LAKSHMAMMA,
W/O LATE D.C. REVANNA,
AGED ABOUT 69 YEARS,
2. SRI. MAHESHA,
S/O LATE D.C. REVANNA,
AGED ABOUT 44 YEARS,
3. SMT. RAJESHWARI,
D/O LATE D.C. REVANNA,
AGED ABOUT 40 YEARS,
4. SMT. UMADEVI,
D/O LATE D.C. REVANNA,
AGED ABOUT 38 YEARS,

PETITIONERS 1 TO 4 ARE
R/A NO.59/3, VENKATAPPA LAYOUT,
HOSAKEREHALLI 3RD STAGE,
BANASHANKARI,
BENGALURU - 560 085.

5. SRI. D.C. RAJANNA,
S/O CHANNIGAPPA,



AGED ABOUT 56 YEARS,
R/A DODDERI VILLAGE,
TAVAREKERE HOBLI - 562 130.
BEGNALURU NORTH TALUK.

...PETITIONERS

(BY SRI. SUBBA SHASTRY N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY THE CHIEF SECRETARY,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYATH,
BENGALURU DISTRICT,
BENGALURU - 560 003.
3. THE EXECUTIVE OFFICER,
TALUK PANCHAYATH,
BENGALURU SOUTH TALUK,
BENGALURU - 560 003.
4. THE SECRETARY,
CHIKKANAHALLI
GRAMA PANCHAYATH,
TAVAREKERE HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU - 562 130.
5. SRI. B. PUTTAIAH,
S/O LATE BETTEGOWDA,
AGED ABOUT 69 YEARS,
R/A DODDERI VILLAGE,
TAVAREKERE HOBLI,
BENGALURU SOUTH TALUK
BENGALURU - 562 130.

SRI SADAMARAIAH,
(SADASHIVAIAH)



S/O LATE BETTAIAH,
SINCE DEAD BY HIS LR'S

6. SMT. MAHADEVAMMA,
W/O SRI. SADASHIVAIAH,
AGED ABOUT 62 YEARS,
7. SRI. JAGGANATH,
S/O LATE SADASHIVAIAH,
AGED ABOUT 45 YEARS,

SRI. MANJUNATH,
S/O LATE SADASHIVAIAH,
SINCE DEAD BY HIS LR'S

8. SMT. ASHA G.S.,
W/O LATE MANJUNATH,
AGED ABOUT 35 YEARS,

THE RESPONDENTS NO. 6 TO 8
ARE R/A DODDERI VILLAGE,
TAVAREKERE HOBLI,
BENGALURU SOUTH TALUK
BENGALURU - 562 130.

...RESPONDENTS

(BY SRI.S.H. RAGHAVENDRA, AGA FOR R1,
SRI. K.M. PRAKASH, ADVOCATE FOR R2, R3 AND R4,
SRI. DINESH, ADVOCATE FOR R5,
VIDE ORDER DATED 15.02.2023 NOTICE TO
R6 IS HELD SUFFICIENT,
R8 IS SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL
FOR RECORDS IN L.G.C. (T) NO.234/2018 DISPOSED ON
20.03.2019 AND ISSUE A WRIT OF CERTIORARI AND SET
ASIDE THE ORDER DATED:13.12.2017 IN O.S. NO. 49/2004
ON THE FILE OF THE II ADDITIONAL CIVIL JUDGE AND JMFC
AT MAGADI FOUND AT ANNEXURE-B AND ETC.,



THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

This Writ Petition is by the plaintiffs before the Karnataka Land Grabbing Special Court, Bengaluru (CH-2)¹, calling in question the order dated 20.03.2019, dismissing their suit in L.G.C (T) No.234/2018 as not maintainable. Further, directing defendant No.3 that if the plaintiffs continued in the unauthorized possession of the lands, appropriate proceedings should be instituted against them under Section 9(1) of the Karnataka Land Grabbing Prohibition Act, 2011², in a time bound manner.

2. The petitioners are before this Court seeking following reliefs:

¹ hereinafter referred to as 'the Land Grabbing Court'

² 'the Act of 2011', for short



- "1. *Call for records in L.G.C.(T) No.234/2018 disposed on 20.03.2019.*
2. *Issue a Writ of Certiorari and set-aside the Order dated 13.12.2017 in O.S.No.49/2004 on the file of II Additional Civil Judge and JMFC at Magadi found at Annexure-B.*
3. *Issue a Writ of Certiorari and set-aside the Judgment and Decree dated 20.03.2019 of the Karnataka Land Grabbing Prohibition Special Court at Bengaluru (CH-2) in L.G.C(T) No.234/2018 (Old O.S.No.49/2004) found at Annexure-A and be pleased to remand the matter for fresh disposal in accordance with law to the II Addl. Civil Judge and JMFC at Magadi.*
4. *For such other Writ or orders as this Honorable Court deems fit to grant in the facts and circumstances of the case."*

3. Facts germane to file the present Writ Petition are as under:

3.1 It is the case of the petitioners that the properties in dispute are two vacant sites; (1) Property No.44/205 (changed as 44/37) measuring to an extent of 38 ft. East to West and 22 ft. North to South and (2) adjacent property vacant Site No.49/38 measuring



32 ft. East to West and 40 ft. North to South. The properties are morefully stated as Suit Schedule Properties, are the ancestral properties of the plaintiffs.

3.2 The original plaintiffs D.C.Revanna and D.C.Rajanna had instituted a Original Suit in No.49/2004 on the file of II Addl. Civil Judge and JMFC, Magadi³, against the respondents in this petition in respect of the suit schedule properties seeking following reliefs:

- "a) To declare that the plaintiffs are the absolute owners and having peaceful possession as the schedule properties are the ancestral properties.*
- b) To grant permission injunction restraining the defendants, their agents, servants, nominees and any other persons claimed under them for interfering in to peaceful possession and enjoyment of the Suit Schedule Properties."*

3.3 It is their further case that, when the suit reached the stage of cross-examination of plaintiffs' evidence, the Civil Court *suo-moto*, passed an order on the

³ the Civil Court, for short



basis of Government Notification, where under, a Special Court has been constituted to deal with the properties relating to encroachment of Government land held that, the Civil Court has no jurisdiction under Section 9 of CPC and directed the office to transfer the case to the Land Grabbing Court under Section 20 of the Act of 2011.

3.4 In terms of the order passed by the Civil Court, the matter got transferred to the Land Grabbing Court. The Land Grabbing Court having taken cognizance and put the matter on trial. When the matter reached the stage of plaintiffs' evidence, the Land Grabbing Court framed a preliminary issue on maintainability of the suit and answered the same in the Negative, against the plaintiffs/ petitioners herein and held that the suit is not maintainable as the plaintiffs have not produced any document dated 20.06.1871, executed by one Vakkala Gudenu in favor of their ancestors. Further observed that, the land belongs to Gram



Panchayat, as such, the relief sought in the suit and the suit itself is not maintainable. Hence, the present Writ Petition is filed calling in question the order passed by the Civil Court transferring the suit under Section 20 of the Act of 2011 as well as taking cognizance of the proceedings by the Land Grabbing Court and the order passed holding that the suit is not maintainable.

4. Heard, Sri.Subba Shastri.N, learned counsel appearing for the petitioners, Sri.S.H.Raghavendra, learned Additional Government Advocate appearing for respondent No.1, Sri.K.M.Prakash, learned counsel appearing for respondents 2, 3 and 4 and Sri.Dinesh, learned counsel appearing for respondent No.5.

5. Sri.Subba Shastri.N, learned counsel appearing for the petitioners with all vehemence submits that till the year 2000, the names of the petitioners and their ancestors were shown in respect of the properties in the



revenue records, however from the year 2000, the katha were effected in the name of Panchayath without issuing any notice to them and since there was interference in the peaceful possession and enjoyment of the suit schedule properties, the petitioners filed suit against the Government.

6. Learned counsel submits that the suit is purely of Civil in nature seeking declaration in respect of civil rights. The claim was on the basis of the deed executed in favor of the ancestors of the petitioners, which they continued since then. In that view of the matter, the order passed by the Civil Court transferring the suit to Land Grabbing Court is not sustainable in law.

7. Learned counsel further submits that since the matter is purely in respect of civil right, the Land Grabbing Court lacks jurisdiction to entertain the suit before it under Section 20 of the Act of 2011. Since the point of jurisdiction to maintain the case is involved taking



cognizance and further order passed by the Land Grabbing Court are *non-est* in law as there is no jurisdiction vested in the Land Grabbing Court to entertain the suit transferred and dwell upon it. With this, he sought to allow the petition and set-aside the order impugned in the Writ Petition and sought to remand the matter to the Civil Court from where it was transferred for adjudication.

8. Learned counsel appearing for the respondents opposed the contentions of the petitioners and argued in support of the orders passed by the Civil Court as well as the Land Grabbing Court.

9. Having considered the rival submissions, we have perused the entire petition papers and documents appended thereto.

10. To the query of the Court, learned Additional Government Advocate with all fairness submits that there are no proceedings instituted in respect of the alleged encroachment against the petitioners by the Government.



This Court in W.P.No.23478/2024 in the case of ***SMT.ANURADHA S.SHETTY AND ANOTHER VS. STATE OF KARNATAKA AND ANOTHER***, disposed of on 11.06.2026, had an occasion to dwell upon Section 20 of the Act of 2011. The coordinate Bench of this Court framed a question on Section 20, which reads as under:

"Whether in exercise of the powers conferred under Section 20 of the Act, the suit could have been transferred to the Special Land Grabbing Court?"

and answered the same in the Negative and in favor of the petitioner in the said case. The coordinate Bench has allowed the Writ Petition, setting aside the order passed under Section 20 of the Act of 2011 passed by the Civil Court, also held that, the proceedings instituted by the Land Grabbing Court would become *non-est* and quashed the proceedings and re-transferred the suit to the Civil Court. The reasons assigned by the coordinate Bench contained in Paragraphs No.6 to 9 reads as under:



"6. *It would be apt to take note of provisions of Section 20 of the Act, which read as under:-*

*"20. Transfer of pending cases.-
Any case, pending before any court or other authority immediately before the constitution of a Special Court, as would have been within the jurisdiction of such Special Court, shall stand transferred to the Special Court as if the cause of action on which such suit or proceeding is based had arisen after the constitution of the Special Court."*

7. *From a reading of provisions of Section 20 of the Act, it is evident that only those proceedings pending before a civil court or other authority would be transferred to the Special Court, if the Special Court will have the jurisdiction to try the dispute involved in the civil suit or other proceedings.*

8. *Under the provisions of the Act, the Special Land Grabbing Court does not have the power to decide the question of title and possession. Therefore, we are of the considered view, that where the plaintiffs have sought relief of declaration of title and injunction, the Special Land Grabbing Court would not have the jurisdiction to decide such a dispute. It is not in dispute that no proceedings were filed by the State Authorities under the provisions of the Act, alleging encroachment of land grabbing by the*



petitioners/plaintiffs. When no such proceedings were pending before the Land Grabbing Court and as we have held that the Land Grabbing Court would not have the jurisdiction to decide the question of title and possession, we are of the view, that the order passed by the Land Grabbing Court under Section 20 of the Act, for transferring the O.S.No.917/2015 before the Land Grabbing Court is unsustainable and therefore, the proceedings before the Special Land Grabbing Court are liable to be set aside.

9. *Accordingly this writ petition is allowed. As we set aside the order dated 10.10.2019 passed under Section 20 of the Act, the proceedings initiated by the Special Land Grabbing Court would become non est and therefore, we quash the proceedings pending before Special Land Grabbing Court in LGC (G) No.11033/2021 and the O.S.No.917/2015 is re-transferred to the concerned Court."*

11. In the case on hand, the Civil Court *suo-moto*, without looking into the contentions and averments of the plaint, held that, the jurisdiction of the Civil Court is barred under Section 9 and in view of the Government Notification, transferred the suit to the Land Grabbing Court for adjudication.



12. The exercise of power under Section 20 is no more *res-integra* in view of the law laid down by the coordinate Bench of this Court afore. In that view of the matter, the order passed by the Civil Court dated 13.12.2017 in O.S.No.49/2004 is unsustainable in law and accordingly, the same is quashed. Further, the proceedings culminated in view of transfer of suit before the Land Grabbing Court and the Final Order dated 20.03.2019, dismissing the suit in L.G.C (T) No.234/2018 as not maintainable are *non-est* in law and are also quashed. Accordingly, the Writ Petition is ***allowed***, quashing the impugned orders. The suit in O.S.No.49/2004 is re-transferred to the Civil Court i.e., II Addl. Civil Judge & JMFC, Magadi for disposal in accordance with the law.

13. The parties are directed to appear before the Civil Court on **01.08.2026** without expecting any further notice from the Civil Court. We request the Land Grabbing



Court to send the entire records pertaining to the suit to the Civil Court for adjudication forthwith.

14. In the facts and circumstances of the case, there will be no order as to costs.

15. In view of disposal of the Writ Petition, pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

TKN
List No.: 1 Sl No.: 5
ct-vn