



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 6885 OF 2025 (GM-FOR)

BETWEEN

1. THE PRL. SECRETARY TO GOVT.,
DEPARTMENT OF REVENUE,
KARNATAKA GOVERNMENT SECRETARIAT,
M.S.BUILDING,
BENGALURU - 560001.
2. THE REGIONAL COMMISSIONER
BENGALURU RANGE,
REVENUE DEPARTMENT,
SHANTHINAGARA
BENGALURU-560027.
3. THE DISTRICT COMMISSIONER
TUMAKURU DISTRICT,
TUMAKURU-572101.
4. THE ASST. COMMISSIONER
MADHUGIRI SUB-DIVISION,
MADHUGIRI,
TUMAKURU DISTRICT-572132.
5. THE TAHSILDAR
SHIRA TALUK,
SHIRA,
TUMAKURU DISTRICT-572132.
6. THE RANGE FOREST OFFICER,
MADHURIGI RANGE,
SHIRA TALUK,
TUMAKURU DISTRICT-572137.

NOTE. (THE CORRECT ADDRESS IS
RANGE FOREST OFFICER,
SIRA RANGE, SIRA TALUK,
TUMAKURU DISTRICT)

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:41956
WP No. 6885 of 2025

CNR: KAHC010122842025

7. THE ASST. CONSERVATOR OF FORESTS,
SHIRA TALUK,
TUMAKURU DISTRICT-572137.

NOTE. (THE CORRECT ADDRESS IS
ASSISTANT CONSERVATOR OF FORESTS,
MADHUGIRI SUB DIVISION, MADHUGIRI
TUMAKURU DISTRICT.)

...PETITIONERS

(BY SMT. SARITHA KULKARNI., AGA)

AND

- 1 . SMT. PAVITHRA
W/O SRI. JAGANATH, MAJOR
KALAPURA GRAMA,
KALAMMBELLI HOBLI,
SHIRA TALUK,
TUMAKURU DISTRICT - 572 125.
- 2 . SRI RANGAIAH
S/O LATE OBBAIAH, MAJOR
KALALUKUNTE,
HAAL DODDERI POST, KORA HOBLI,
TUMAKURU TALUK,
TUMAKURU DISTRICT - 572125.
- 3 . SRI NATARAJU
S/O LATE MADALURAPPA, MAJOR
BHAVANINAGAR,
SHIRA TALUK,
TUMAKURU DISTRICT - 572 137.
- 4 . SRI. OBBALANARASIMAIAH,
S/O RANGAIAH, MAJOR
THOVINAKERE,
CHANNARAYANADURGA HOBLI,
KORATAGERE TALUK,
TUMAKURU DISTRICT.
- 5 . SRI. LAKSHMANA
S/O LATE RAMANNA, MAJOR
KAALAAPURA,
THAALAGUNDA POST,
SHIRA TALUK,
TUMAKURU DISTRICT - 572125.
- 6 . SMT. PUTTAMMA
S/O LATE KARIYANNA, MAJOR



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

SEEBI, AGRAHARA POST,
KHALAMBELLA HOBLI,
SHIRA TALUK,
TUMAKURU DISTRICT - 572125.

- 7 . SRI A R RAMANNA
S/O LATE RAMAKRISHNAPPA,
NEERAGUNTE MOHALLA,
SHIRA TALUK,
TUMAKURU DISTRICT - 572137.

...RESPONDENTS

(BY SRI PRITHVEESH M.K A/W
SRI. M.D. SULTAN., ADVOCATES FOR
SRI. THILAK ITTANGUR B.N., ADVOCATE FOR R1 TO R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS AND ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO SET ASIDE/QUASH THE ORDER DATED 18.05.2023 IN CASE NO. 272/2022 ANNEX-A PASSED BY THE KARNATAKA STATE SCHEDULE CASTES AND ST COMMISSION, BENGALURU AND ETC.,

THIS WRIT PETITION COMING ON FOR ORDERS AND HAVING BEEN RESERVED FOR ORDERS ON 24.07.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CAV ORDER

1. The Petitioners are before this court seeking for the following reliefs:

i) Call for records.

ii) Issue a writ of certiorari or any other appropriate writ, order or direction to set aside the impugned order dated 18.05.2023 in Case No. 272 of 2022 (Annexure-A) passed by the Karnataka State Scheduled Castes and Scheduled Tribes Commission, Bengaluru; and



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

iii) Issue any writ/s, order/s, as this Hon'ble Court deems fit in the circumstances of the case.

2. The petitioners are Government authorities, namely:
(i) the Principal Secretary to Government, Revenue Department; (ii) the Regional Commissioner, Bengaluru Range; (iii) the Deputy Commissioner, Tumakuru District; (iv) the Assistant Commissioner, Madhugiri Sub-Division, Madhugiri; (v) the Tahsildar, Shira Taluk; (vi) the Range Forest Officer, Madhugiri Range, Shira Taluk; and (vii) the Assistant Conservator of Forests.
3. The challenge in the present writ petition is directed against the order passed by the Karnataka State Commission for Scheduled Castes and Scheduled Tribes, Bengaluru (hereinafter referred to as "**the State Commission**"), on a complaint filed by respondent No. 7.
4. The Commission while passing the impugned order considered the following documents:

1) ಜಮೀನು ಹರಾಜು ಅಧಿಸೂಚನೆ (ನೋಟೀಫಿಕೇಷನ್)

2) ಜಮೀನನ್ನು ಹರಾಜು ಮುಖೇನ ಖರೀದಿ ಮಾಡಿದ ಬಗ್ಗೆ ದಾಖಲೆ.

3) ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಸಂಖ್ಯೆ: M.O.C/1959/1957-58 ದಿನಾಂಕ:02.04.1957



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

- 4) 1953 ರ ಮೈಸೂರು ರಾಜ್ಯ ಪತ್ರ [ಮೈಸೂರು ಗೆಜೆಟ್] ನಂ . ಸಿ.. 737/52.53
- 5) 1954 ರ ಮೈಸೂರು ರಾಜ್ಯ ಪತ್ರ [ಮಾಡಿಫೈಡ್] ಮಾರ್ಪಡಿಸಿರುವುದು ನಂ. A2C.389/54.55
- 6) ರೈತರು ವ್ಯವಸಾಯ ಮಾಡುತ್ತಿದ್ದ ಬಗ್ಗೆ ಬೆಳೆ ಹಾಗೂ ಸ್ಥಳ ಪರಿಶೀಲನಾ ವರದಿ, ಮಧುಗಿರಿ ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳ ಕಾರ್ಯಾಲಯ ಪತ್ರ ಸಂಖ್ಯೆ:169/90-91 ದಿನಾಂಕ:24.07.90
- 7) ಉಪ ವಿಭಾಗಾಧಿಕಾರಿಗಳ ಕಛೇರಿ ಮಧುಗಿರಿ ಉಪವಿಭಾಗ, ಮಧುಗಿರಿ ರವರ ಪತ್ರದ ಸಂಖ್ಯೆ: 349/54-55, ದಿನಾಂಕ: 16.07.1954
- 8) ಸಿರಾ ತಾಲ್ಲೂಕು, ಕಳ್ಳಂಬೆಳ್ಳೆ ಹೋಬಳಿ ಶೀಬಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.68/1, 2 ರ ಪಹಣಿಯನ್ನು 1987-88 ನೇ ಸಾಲಿನಿಂದ 1992ನೇ ಸಾಲಿನ ವರೆಗೆ ಇರುತ್ತದೆ.
- 9) ಹಕ್ಕು ಬದಲಾವಣೆ ರಿಜಿಸ್ಟರರು [ಎಂ.ಆರ್] ಸರ್ವೆ ನಂ.70/1 ಮತ್ತು 143/1 ರ ಶೀಬಿ ಗ್ರಾಮದ ಮ್ಯುಟೇಷನ್ ನಕಲು.
- 10) ಮಲ್ಲೇಗೌಡ ರವರ ವಂಶವೃಕ್ಷ
- 11) ಕೂಲಪುರಯ್ಯ, ಬಿನ್ ಕಂಬಯ್ಯ ರವರು ಶೀಬಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.142/1 ರಲ್ಲಿ ವಿಸ್ತೀರ್ಣ 50 ಎಕರೆ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪಹಣಿಯಲ್ಲಿ 1967-68 ರಿಂದ 1985-86 ನೇ ಸಾಲಿನವರೆಗೆ ಪಹಣಿಯಲ್ಲಿ ಹೆಸರನ್ನು ಕೈಬಿಟ್ಟಿರುವ ಬಗ್ಗೆ ಹಾಗೂ ಬಾಕಿ ಕಂದಾಯವನ್ನು ಕಟ್ಟಿಸಿಕೊಂಡು ಖಾತೆ ಪಹಣಿ ಮಾಡಿಕೊಡುವ ಬಗ್ಗೆ ದಿನಾಂಕ: 15.04... ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳು ಮಧುಗಿರಿ ಉಪವಿಭಾಗ ಮಧುಗಿರಿ ಇವರಿಗೆ ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿ.
- 12) ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ತುಮಕೂರು ಇವರ ಪತ್ರದ ಸಂಖ್ಯೆ: R.R.T.C.R /479/88-89 ದಿನಾಂಕ: 11.04.1987
- 13) ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕೇಂದ್ರ ಸ್ಥಾನಿಕ ಸಹಾಯಕರು ತುಮಕೂರು ಜಿಲ್ಲೆ, ಇವರ ಪತ್ರದ ಸಂಖ್ಯೆ: R.R.T.C.R /479-88-89 ದಿನಾಂಕ:19.06.1989.



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

- 14) ತಹಶೀಲ್ದಾರರವರ ಕಾರ್ಯಾಲಯ ಸಿರಾ ತಾಲ್ಲೂಕು ರವರ ಪತ್ರ ಸಂಖ್ಯೆ:
R.R.T.C.R /199-89-90 ದಿನಾಂಕ: 14.08.1989
- 15) ತಹಶೀಲ್ದಾರರವರ ಕಾರ್ಯಾಲಯ ಶಿರಾ ತಾಲ್ಲೂಕು ರವರ ಪತ್ರ ದಿನಾಂಕ:
05.06.1990.
- 16) ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳ ಕಛೇರಿ ಮಧುಗಿರಿ ಉಪವಿಭಾಗ, ಮಧುಗಿರಿ ರವರ ಪತ್ರ
ಸಂಖ್ಯೆ: R.R.T.C.R /169/89-90 ದಿನಾಂಕ: 27.07.1990.
- 17) ಶೀಬಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.68/1, 68/2 ಮತ್ತು 59/2 ರ ಜಮೀನಿನ ನಕ್ಷೆಯನ್ನು
ದಿನಾಂಕ:26.09.1987 ರಂದು ತಹಶೀಲ್ದಾರರು ಶಿರಾ ತಾಲ್ಲೂಕು ರವರು ದೃಢೀಕರಿಸಿ
ನೀಡಿರುವ ಪ್ರತಿ.
- 18) ತಹಶೀಲ್ದಾರರವರ ಕಾರ್ಯಾಲಯ ಶಿರಾ ತಾಲ್ಲೂಕು ರವರ ಪತ್ರದ ಸಂಖ್ಯೆ:169/89-
90 ದಿನಾಂಕ: 15.08.1989.
- 19) ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳ ಕಾರ್ಯಾಲಯ ಮಧುಗಿರಿ ಉಪವಿಭಾಗ ಮಧುಗಿರಿ ರವರ
ಪತ್ರ ಸಂಖ್ಯೆ:169/90-91 ದಿನಾಂಕ:24.07.1990.
- 20)ತಹಶೀಲ್ದಾರರವರ ಕಾರ್ಯಾಲಯ ಶಿರಾ ತಾಲ್ಲೂಕು ರವರ ಪತ್ರ
ದಿನಾಂಕ:05.06.1990.
- 21) ನಮೂನೆ:37 ಬಾಕಿದಾರರಿಗೆ ನೋಟೀಸು ಪ್ರತಿ ದಿನಾಂಕ:23.01.1992.
- 22) ಹಕ್ಕು ಬದಲಾವಣೆ ರಿಜಿಸ್ಟರು (ಎಂಆರ್) ಸರ್ವೆ ನಂ. 144/2, ಶೀಬಿ ಗ್ರಾಮದ
1956-57 ನೇ ಸಾಲಿನ ಎಂ.ಆರ್.ವಹಿ
- 23) ನಮೂನೆ:37 ಬಾಕಿದಾರರಿಗೆ ನೋಟೀಸು ಪ್ರತಿ ದಿನಾಂಕ: 27.12.1992
- 24) ಬಾಕಿ ಕಂದಾಯವನ್ನು ಸರ್ಕಾರದ ಖಜಾನೆಗೆ ಎಸ್.ಬಿ.ಎಂ ಬ್ಯಾಂಕಿಗೆ
ದಿನಾಂಕ:13.01.1992 ರಂದು ಪಾವತಿ ಮಾಡಿರುವ ರಶೀದಿ.



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

25) ಗ್ರಾಂಟ್ ಸರ್ವೆಕೇಟ್

26) 1963-64 ನೇ ಸಾಲಿನ ಸರ್ವೆ ನಂ.144/2 ರ ಪಹಣಿ ತಃಖ್ತೆ.

5. The impugned order passed by the Commission is as under:

ಆದೇಶ

ಈ ಎಲ್ಲಾ ಲಭ್ಯ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ತುಮಕೂರು ಜಿಲ್ಲೆ ಸಿರಾ ತಾಲ್ಲೂಕು, ಕಳ್ಳಂಬೆಳ್ಳೆ ಹೋಬಳಿ, ಶೀಬಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.144, 143, 142, 70, 68, 69, 34 ಹಾಗೂ ಶೀಬಿ ಅಗ್ರಹಾರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.59 ರ ಜಮೀನುಗಳನ್ನು ಅರಣ್ಯ ಇಲಾಖೆಯ ಖಾತೆಯಿಂದ ವಜಾಕರಿಸಿ ಅರಣ್ಯ ಇಲಾಖೆಯ ಖಾತಾ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಆಸೆಂದು ಎಂದು ಘೋಷಿಸಿ ಅರ್ಜಿದಾರರುಗಳಿಗೆ ಕೂಡಲೇ ಕಾನೂನು ರೀತ್ಯಾ ಪೌತಿ/ವಾರಸು ಖಾತೆ ಮಾಡಿಕೊಡಲು ಸಂಬಂಧಿತ ಕಂದಾಯ ಇಲಾಖಾಧಿಕಾರಿಗಳಿಗೆ ಈ ಮೂಲಕ ಆದೇಶಿಸಿದೆ.

6. By virtue of the aforesaid order, the State Commission directed that the lands bearing Survey Nos. **144, 143, 142, 70, 68, 69 and 34** situated in **Seebi Village**, Kallambella Hobli, Sira Taluk, Tumakuru District, and Survey No. **59** situated in **Seebi Agrahara Village**, Kallambella Hobli, Sira Taluk, be deleted from the revenue records maintained in the name of the Forest Department. The Commission further declared that the said lands do not constitute forest land and directed the



CNR: KAHC010122842025

competent Revenue Authorities to effect mutation and enter the khata in the names of the respondents in accordance with law.

7. Ms. Saritha Kulkarni, learned Additional Government Advocate, assailing the impugned order, she submitted as follows:

- 7.1. The Government of His Highness the Maharaja of Mysore, in exercise of the powers conferred under Section 4 of the Mysore Forest Regulation, 1900, issued Notification No. A & F-2062-Ft.44-47-2989 dated 08.11.1947 proposing to constitute an extent of 989 acres and 39 guntas of land situated in Seebi Village, Kallambella Hobli, Sira Taluk, Tumakuru District, comprising Survey Nos. 65, 66, 67, 68, 69, 70, 71, 72, 73, 134, 142, 143, 144, 145, 146 and 147, as State Forest. The said notification was published in the Mysore Gazette dated 13.11.1947.

- 7.2. Ms Saritha Kulkarni, Learned AGA submits that the lands in question form part of the State Forest/forest land. According to her, the respondents, claiming that certain portions of the said lands had been granted to their



CNR: KAHC010122842025

ancestors, initially approached the Tahsildar seeking transfer of khata in their favour. Upon receipt of the applications, the Tahsildar requested the Forest Department to participate in a joint spot inspection. Thereafter, the respondents also approached the Deputy Commissioner, Tumakuru, seeking appropriate directions to the Assistant Commissioner and the Tahsildar for effecting mutation and transferring the khata in their favour on the basis of Pouthi Varasu.

7.3. Joint spot inspections were thereafter conducted by the Tahsildar, the Range Forest Officer and other concerned officials in respect of the lands situated within Seebi State Forest and the deemed forest area. The inspections were undertaken pursuant to applications submitted by fifteen applicants, including respondent Nos. 3 to 9, seeking transfer of khata in respect of Survey Nos. 65, 66, 67, 68, 69, 70, 71, 72, 73, 134, 142, 143, 144, 145, 146 and 147 of Seebi Village, Kallambella Hobli, Sira Taluk.



CNR: KAHC010122842025

- 7.4. Respondent Nos. 3 to 9 thereafter filed Complaint No. 272 of 2022 before the State Commission. Subsequent to the joint inspection, the Tahsildar sought a report from the Range Forest Officer regarding the claims made by the applicants. The Range Forest Officer reported that the lands covered under the applications formed part of Seebi State Forest and deemed forest and, therefore, recommended that the applications for transfer of khata ought not to be considered.
- 7.5. The Deputy Conservator of Forests, Tumakuru, also addressed a communication to the Deputy Commissioner, Tumakuru, stating that the lands in respect of which Pouthi khata was sought were part of Seebi State Forest and deemed forest under the control and management of the Forest Department. The Deputy Conservator of Forests requested the Deputy Commissioner to protect the forest lands and not to entertain the applications seeking transfer of Pouthi khata. It was also reported that several documents had allegedly been created by the applicants with a view to usurping forest land.



CNR: KAHC010122842025

- 7.6. Ms Saritha Kulkarni, Learned AGA further submits that there is no document whatsoever evidencing any grant having been made in favour of the ancestors of the respondents. In the absence of any such grant, the question of transferring the khata in favour of the respondents on the basis of Pouthi Varasu does not arise.
- 7.7. She further submits that, notwithstanding the above, the respondents approached the State Commission alleging that the revenue authorities had failed to effect transfer of Pouthi khata in their favour. Upon the complaint being entertained, notices were issued to the petitioners.
- 7.8. In the meanwhile, Crime No. 173 of 2022 came to be registered in Sira Police Station on the basis of a complaint lodged by the Tahsildar against the respondents and the other applicants seeking transfer of Pouthi khata.
- 7.9. The Range Forest Officer filed a detailed report before the State Commission specifically stating that the lands in question formed part of Seebi State Forest and deemed forest, and produced



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

all relevant records, including the notification constituting the forest area. The Assistant Commissioner, Madhugiri Sub-Division, also addressed a communication to the Police Inspector, Sira Police Station, pointing out various irregularities and discrepancies noticed in the documents relied upon by the applicants.

7.10. Despite the aforesaid material having been placed before it, which, according to the petitioners, clearly demonstrated that the documents relied upon by the respondents were fabricated and incapable of conferring any right, the State Commission, acting beyond the scope of its statutory jurisdiction, proceeded to pass the impugned order directing deletion of the lands from the Forest Department records and mutation of the revenue entries in favour of the respondents.

7.11. Her submission is that the State Commission does not have the power to pass any such orders. She relies on the statement of objects and reasons of the Act of 2002. Statement of Objects are reproduced hereunder for easy reference:



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

STATEMENT OF OBJECTS AND REASONS

To give effect to announcement made in the Budget Speech of the year 2001- 2002, it is considered necessary to enact a legislation to provide for Constitution of a permanent Commission for the persons belonging to the Scheduled Castes and the Scheduled Tribes, which shall,-

(i) investigate and examine the working of various safeguards provided for the welfare and protection of the Scheduled Castes and Scheduled Tribes.

(ii) inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes of Karnataka.

(iii) to participate and advice on the planning process of socio-economic development of the Scheduled Castes and the Scheduled Tribes and evaluate the progress of their development in the state.

(iv) make recommendations as to the measures that should be taken by the State Government for the effective implementation of safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled tribes and make report to the State Government annually.

(v) discharge such other functions as may be entrusted by rules.

The Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Bill, 2002, provides for,

(i) The constitution of State Commission, and the terms of office and conditions of service of the chair person and other members.

(ii) the powers and functions of the commission.



CNR: KAHC010122842025

(iii) Manner of maintaining account of the commission and the audit of such accounts.

The Bill also provides for certain other incidental and consequential provisions. Hence the Bill.

(L.A. Bill No. 2 of 2002)

7.12. Placing reliance on the aforesaid Statement of Objects and Reasons, Ms Saritha Kulkarni, Learned AGA submits that the legislative intent underlying the Act of 2002 does not contemplate the conferment of adjudicatory or judicial powers upon the State Commission. According to her, the Commission has been constituted principally to investigate and examine the implementation of statutory safeguards available to members of the Scheduled Castes and Scheduled Tribes, to inquire into complaints relating to the deprivation of such safeguards, and to make appropriate recommendations to the State Government.

7.13. She contends that the Commission's jurisdiction does not extend to adjudicating disputes relating to title to immovable property, directing transfer of khata, ordering mutation of revenue entries, declaring land not to be forest land, or



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

directing deletion of land from the records of the Forest Department, particularly when the land has been notified as forest land under the relevant statutory provisions. According to her, the impugned order is, therefore, wholly beyond the jurisdiction conferred upon the State Commission under the Act of 2002.

7.14. Ms Saritha Kulkarni, Learned AGA next places reliance on Section 8 of the Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Act, 2002, to contend that the powers and functions of the State Commission are expressly delineated by the statute. For ease of reference, Section 8 is extracted below:

8. Functions of the Commission.- *The functions of the commission shall be as follows,-*

(a) to investigate and examine the working of various safeguards provided in the constitution of India or under any other law for the time being in force or under any order of the Government for the welfare and protection of the Scheduled Castes and the Scheduled Tribes of Karnataka and;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguard of the Scheduled Castes and the Scheduled Tribes of Karnataka and to take up such matter with the appropriate authorities;

(c) to participate and advise on the planning process of socio economic development of the Scheduled



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

Castes and the Scheduled Tribes and to evaluate the progress of their development in the State.

(d) to make recommendations as to the measures that should be taken by the State for the effective implementation of safeguards and other measures for the protection, welfare and socio economic development of the Scheduled Castes and the Scheduled Tribes and to make report to the State Government annually and at such other time as the Commission may deems fit.

(e) to discharge such other functions in relation to the protection, welfare, development and advancement of the Scheduled Castes and the Scheduled Tribes as may be prescribed:

Provided that if any matter specified in this section is dealt with by the National commission for Scheduled Castes and the Scheduled Tribes established under Article 338 of the Constitution of India the State Commission for Scheduled Castes and the Scheduled Tribes shall cease to have jurisdiction on such matter.

(f) to recommend to the Government, the necessary modification in the reservation percentage of sub-classification to the members of the Scheduled Castes on receipt of new data or information from the Government.

7.15. By relying on Section 8, Ms Saritha Kulkarni, Learned AGA submits that the jurisdiction and functions of the State Commission are confined to the matters specifically enumerated therein, namely:

7.15.1. investigating and examining the implementation of the constitutional and



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

statutory safeguards available to members of the Scheduled Castes and Scheduled Tribes;

7.15.2. inquiring into complaints regarding deprivation of such rights and safeguards and taking up those matters with the appropriate authorities;

7.15.3. participating in and advising the Government on the planning process relating to the socio-economic development of the Scheduled Castes and Scheduled Tribes and evaluating the progress of such development;

7.15.4. making recommendations to the State Government regarding measures required for the effective implementation of safeguards and other welfare measures and submitting reports in that regard;

7.15.5. discharging such other functions relating to the protection, welfare, development and advancement of the Scheduled



CNR: KAHC010122842025

Castes and Scheduled Tribes as may be prescribed; and

7.15.6. recommending modifications to the percentage of reservation or sub-classification for members of the Scheduled Castes based on fresh data or information received by the Government.

7.16. It is, therefore, her submission that none of the functions enumerated under Section 8 empowers the State Commission to adjudicate disputes relating to title or possession of immovable property, direct mutation or transfer of khata, declare notified forest land to be non-forest land, or issue binding directions affecting the rights and interests of the Forest Department. According to her, the impugned order travels far beyond the statutory functions entrusted to the Commission and is, therefore, wholly without jurisdiction.

7.17. Ms Saritha Kulkarni, Learned AGA further places reliance on **Section 9** of the Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Act, 2002, which reads as follows:



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

9. Laying of Report. - *The State Government shall cause such reports referred to in clause (d) of Section 8 to be laid before each House of the State Legislature explaining action taken or proposed to be taken and the reasons, if any, for non-acceptance of the recommendations.*

7.18. Ms Saritha Kulkarni, Learned AGA submits that Section 9 reinforces the nature of the functions entrusted to the State Commission. She contends that the recommendations made by the Commission under clause (d) of Section 8 are required to be placed before each House of the State Legislature, along with a memorandum indicating the action taken or proposed to be taken by the Government and the reasons, if any, for not accepting such recommendations. According to her, the statutory scheme clearly demonstrates that the Commission performs an advisory and recommendatory role and that its recommendations do not attain finality or operate as binding or enforceable directions by themselves.

7.19. She therefore submits that the Act contemplates the Commission making recommendations for the consideration of the State Government and the Legislature, and not



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

exercising adjudicatory powers by issuing mandatory directions affecting civil rights, title to immovable property, mutation of revenue entries or the legal status of land. The impugned order, according to her, is therefore beyond the scope of the powers conferred upon the State Commission under the Act of 2002.

7.20. She submits that any report submitted in terms of clause (d) of Section 8 recommending measures to be taken by the State is required to be placed before each house of the State Legislature and the action proposed to be taken. Thus, she submits that insofar as measures to be taken, it is only the recommendatory power of the commission which is required to be considered by the legislature.

7.21. Ms Saritha Kulkarni, Learned AGA next places reliance on **Section 10** of the Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Act, 2002, which reads as follows:

10. Powers of Commission.- *The Commission shall, while investigating any matter under section 8,*



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

have all the powers of a civil court in trying a suit and in particular, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person from any part of the State and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing Commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

7.22. Ms Saritha Kulkarni, Learned AGA submits that the powers conferred under Section 10 are purely procedural and are intended only to facilitate the effective discharge of the functions entrusted to the Commission under Section 8. According to her, while investigating any matter falling within the ambit of Section 8, the Commission is vested with certain powers akin to those of a Civil Court trying a suit, such as summoning and enforcing the attendance of witnesses, directing discovery and production of documents, receiving evidence on affidavits, requisitioning public records and issuing



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

commissions for examination of witnesses and documents.

7.23. She contends that the conferment of these procedural powers does not elevate the Commission to the status of a Civil Court, nor does it vest the Commission with adjudicatory jurisdiction to determine disputes relating to title, direct mutation of revenue entries, declare land to be non-forest land or issue binding directions affecting vested rights. According to her, the powers under Section 10 are merely ancillary to the exercise of the functions enumerated under Section 8 and cannot be construed as conferring substantive judicial powers upon the Commission.

7.24. She further submits that, in exercise of the rule-making power under Section 14 of the Act, the State Government has framed the **Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Rules, 2012 (hereinafter referred to as "the Rules of 2012")**, which regulate the procedure to be followed by the Commission in the discharge of its statutory functions.



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

7.25. Ms Saritha Kulkarni, Learned AGA further places reliance on **Rule 10** of the Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Rules, 2012, which prescribes the procedure for investigation and inquiry by the Commission. For ease of reference, Rule 10 is extracted below:

10. Investigation and Inquiry by the Commission :-*(1) The Commission may hold sittings for investigation in to matters relating to safeguards, protection, Welfare and development of the Scheduled Castes and Scheduled Tribes or for inquiring into specific complaints, for which the Commission decided to take up investigation or inquiry directly. Such sittings may be held either at the Headquarters of the Commission or at any other place within the State.*

(2) The sittings of the Commission shall be held after giving due notice to the parties intended to be heard and also due publicity notice to the general public, if required. Care shall be taken to see that the members of the Scheduled Castes or Scheduled Tribes who are affected in the matter under investigation or inquiry are given due information through notice or publicity, as the case may be.

(3) When a decision for direct investigation or inquiry is taken necessary staff may be attached to the Member(s) entrusted with such investigation or inquiry and they shall take all steps to arrange such sittings.

(4) During the course of the investigation or inquiry the Commission, may take evidence on oath or receive affidavits. When considered necessary, the Commission, for the purpose of taking evidence in the investigation or inquiry, require the presence of



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

any person and may issue summons to him. The summons shall provide at least seven days notice to the person directed to be present before the Commission from the date of receipt of the summons.

(5) Where the property, service or employment of Scheduled Castes and Scheduled Tribes and other related matters are under immediate threat and prompt attention of the Commission is required, the matter shall be taken cognizance by issue of telex or fax or E-mail to the concerned authority for making it known to them that the Commission has taken up the issue, Urgent reply by telegram or fax or e-mail shall be called from the concerned authority. In case no letter is received within a week, the authority concerned shall be summoned at a short notice for enquiry.

(6) After holding the required sittings, the Member(s) who conducted the investigation shall make a report which shall be sent to the Member Secretary or any other officer authorised to receive the report. After examination, action may be initiated on the report With the approval of the Chairperson. Notice of collecting facts evidence, Notice of Hearing and Public Notice are provided in form I, II and III respectively.

7.26. Ms Saritha Kulkarni, Learned AGA submits that Rule 10 merely prescribes the procedure to be followed by the Commission while conducting an investigation or inquiry under Section 8 of the Act. According to her, sub-rule (1) authorises the Commission to hold sittings for investigating matters concerning the safeguards, protection, welfare and development of members of the Scheduled



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

Castes and Scheduled Tribes, or for inquiring into specific complaints falling within its statutory jurisdiction.

7.27. She further submits that sub-rule (6) specifically contemplates that, upon completion of the investigation or inquiry, the Member or Members concerned are required to submit a report to the Member Secretary or the authorised officer, whereupon action may be initiated on such report with the approval of the Chairperson. According to her, the expression "action may be initiated" occurring in sub-rule (6) cannot be construed as conferring adjudicatory powers upon the Commission. She contends that the action contemplated under the Rules is only recommendatory or advisory in nature, and not the exercise of judicial or quasi-judicial power.

7.28. Ms Saritha Kulkarni, Learned AGA submits that this interpretation is further reinforced by Rule 15 contained in Chapter VII of the Rules of 2012, which, according to her, makes it abundantly clear that the role of the State Commission is essentially advisory and



CNR: KAHC010122842025

recommendatory. Hence, she contends that the Commission lacked jurisdiction to issue mandatory directions declaring the lands in question to be non-forest land, directing deletion of the Forest Department's entries, and ordering mutation of the revenue records in favour of the respondents.

7.29. Ms Saritha Kulkarni, Learned AGA also places reliance on **Rule 15** of the Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Rules, 2012, which reads as follows:

15. Advisory role of the Commission: *The Commission shall interact with the State Government Departments / other organizations through its Member Secretary by meetings, personal contacts, visits and correspondence. The information in this regard may be sent to the concerned Dept. / Organisations well in advance.*

7.30. Ms Saritha Kulkarni, Learned AGA submits that the Rule 15 expressly characterises the role of the State Commission as an advisory one. According to her, Rule 15 envisages interaction between the Commission and the State Government Departments or other organisations through the Member Secretary by way of meetings, personal contacts, visits and



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

correspondence. Rule 15 also contemplates prior communication to the concerned Departments or organisations before such interaction.

7.31. She contends that the language employed in Rule 15 leaves no manner of doubt that the Commission is intended to function as an advisory and consultative body while interacting with Government Departments and other authorities. It is her submission that neither the Act of 2002 nor the Rules of 2012 confer upon the Commission any adjudicatory authority to determine disputed questions relating to title, direct mutation of revenue records, declare notified forest land to be non-forest land, or issue binding directions affecting the rights of Government Departments. According to her, the impugned order, by directing deletion of the Forest Department's entries and mutation of the khata in favour of the respondents, is wholly beyond the scope of the powers conferred upon the Commission under the statutory scheme.



CNR: KAHC010122842025

7.32. Ms Saritha Kulkarni, Learned AGA further places reliance on **Rule 16** of the Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Rules, 2012, which reads as follows:

16. Interaction with the state Planning Board:- *The Commission shall interact with the State Planning Board at appropriate levels through representation in committees, Working Groups or other such bodies set up by the Planning Board. The Commission may request the Planning Board to forward copies of all the documents concerning the process of planning and development and evaluation of all programmes and schemes related to Scheduled Castes and Scheduled Tribes*

7.33. Relying on Rule 16, Ms Saritha Kulkarni, Learned AGA submits that Rule 16 further demonstrates the nature of the functions entrusted to the State Commission. According to her, the Rule envisages the Commission interacting with the State Planning Board through representation on Committees, Working Groups and other bodies constituted by the Planning Board. The Rule also enables the Commission to seek copies of documents relating to the planning process, developmental programmes and evaluation of schemes concerning the Scheduled Castes and Scheduled Tribes.



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

7.34. She contends that Rule 16, like the other provisions of the Act and the Rules, is indicative of the Commission's role as a consultative, advisory and monitoring body in matters concerning the welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes. According to her, Rule 16 does not confer any adjudicatory or judicial powers upon the Commission, much less the authority to determine rights over immovable property, direct mutation of revenue records, declare notified forest land to be non-forest land or issue binding directions affecting the Forest Department or the Revenue Authorities. She therefore submits that the impugned order is beyond the statutory competence of the State Commission.

7.35. Ms Saritha Kulkarni, Learned AGA further places reliance on **Chapter VIII of the Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Rules, 2012**, particularly **Rules 17, 18 and 19**, which deal with the monitoring functions of the Commission. The said Rules are extracted below for ease of reference:



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

17. Monitoring Functions of the Commission:- *The Commission may determine from time to time, the subjects or matters and regions that it would monitor relating to safeguards and other socio-economic development measures provided for the Scheduled Castes and Scheduled Tribes.*

18. Returns and Reports:-

(1) Any authority responsible having control of the subject matter of which monitoring is being done by the Commission, shall furnish the reports as required by the Commission.

(2) The Commission may from time to time issue instructions to furnish information and data on any particular subject or matter from the State Government Departments, Local Bodies, Corporate Bodies or any other authorities which is charged with the implementation of the safeguards meant for the Scheduled Castes and Scheduled Tribes.

19. Follow-up Action:-

(1) In order to ensure that monitoring is done effectively by the Commission, after getting the information and after taking a decision may as early as possible send out communications to the concerned authority describing the shortcomings that have been noticed in the implementation of the safeguards and suggest the necessary corrective steps.

(2) The Commission may ask for the comments of the concerned authority on the action taken in pursuance of the communications sent under sub-rule (1).

(3) The Commission may include in its Annual report or any Special Report its findings and conclusions arrived at through the process of monitoring of the subjects relating to the safeguards and socio-economic development measures meant for the Scheduled Castes and Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the State Government.

7.36. Referring to the aforesaid Rules, Ms Saritha Kulkarni, Learned AGA submits that Chapter



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

VIII further elucidates the monitoring role assigned to the State Commission. According to her, Rule 17 empowers the Commission to identify, from time to time, the subjects, matters and regions in respect of which it would undertake monitoring of the implementation of safeguards and socio-economic development measures relating to the Scheduled Castes and Scheduled Tribes.

7.37. She further submits that Rule 18 authorises the Commission to call upon the concerned authorities to furnish reports, information and data necessary for the purpose of such monitoring. Rule 19, in turn, empowers the Commission, after considering the information received, to communicate the deficiencies noticed in the implementation of the safeguards, suggest appropriate corrective measures, seek comments from the concerned authorities regarding the action taken thereon, and incorporate its findings in its Annual Report or Special Report.

7.38. According to learned AGA, the expression "directions" or "communications" contemplated



CNR: KAHC010122842025

under Rule 19 is confined to the context of monitoring the implementation of statutory safeguards and recommending corrective measures. The Rule does not authorise the Commission to issue binding or enforceable directions determining civil rights or adjudicating disputes relating to immovable property. She therefore contends that the statutory scheme consistently demonstrates that the Commission performs investigative, monitoring, advisory and recommendatory functions, and that the impugned order, whereby the Commission directed deletion of the Forest Department's entries and mutation of the khata in favour of the respondents, is wholly outside the ambit of its statutory powers.

7.39. Ms Saritha Kulkarni, Learned AGA next places reliance on **Rule 20** of the Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Rules, 2012, which reads as follows:

20. Non-Formal Actions by the Commission:- *The Commission may initiate correspondence in special cases in matters or cases which are not strictly covered under the law if the matter is such that the Welfare of an individual*



CNR: KAHC010122842025

person belonging to a Scheduled Caste or a Scheduled Tribes or that of a group of such persons is involved and it is necessary for the Commission in its inherent capacity as the protector of the interests of these classes of persons, to take action. All routine formal communications from the Commission shall be issued under the signatures of Member Secretary or an authorized Officer. The Commission can sue or be sued through its Member Secretary.

7.40. Ms Saritha Kulkarni, Learned AGA submits that Rule 20 itself demonstrates the limited nature of the Commission's authority even in matters which do not strictly fall within the ambit of the Act. According to her, the Rule merely enables the Commission to initiate correspondence in special cases where the welfare of an individual belonging to the Scheduled Castes or Scheduled Tribes, or a group of such persons, requires intervention. The action contemplated under the Rule, she submits, is in the nature of communication or correspondence undertaken by the Commission in its role as a protector of the interests of members of the Scheduled Castes and Scheduled Tribes.

7.41. She contends that Rule 20 does not confer any substantive adjudicatory power upon the Commission, nor does it authorise the Commission to pass binding or enforceable orders affecting civil rights, title to immovable



CNR: KAHC010122842025

property, mutation of revenue entries or the legal character of land. According to her, even in matters not expressly covered by the Act, the Commission's role remains recommendatory and facilitative, the only power conferred being the initiation of appropriate correspondence with the concerned authorities. She therefore submits that the impugned order is wholly outside the scope of Rule 20 and beyond the statutory jurisdiction of the State Commission.

7.42. Referring to all the aforesaid statutory provisions, Ms Saritha Kulkarni, Learned AGA submits that the State Commission lacked the jurisdiction to entertain the complaint relating to the non-transfer of khata. According to her, the question whether a khata is liable to be transferred is not dependent upon, nor does it arise by reason of, the applicant belonging to a Scheduled Caste or a Scheduled Tribe. The dispute, according to her, is essentially one concerning the nature and status of the land. In the present case, the consistent stand of the petitioners is that the lands in question form part of the notified Seebi State Forest/deemed



CNR: KAHC010122842025

forest by virtue of the notification issued under the relevant provisions of the Mysore Forest Regulation, 1900. Such a dispute, she submits, is required to be adjudicated in accordance with the provisions of the applicable forest laws and other relevant enactments by the competent statutory authorities or the jurisdictional Courts.

7.43. She contends that the provisions of the forest law apply uniformly to all persons irrespective of caste and that the issue as to whether a particular parcel of land constitutes forest land cannot be determined by the State Commission in exercise of its powers under the Act of 2002. According to her, that issue falls exclusively within the domain of the competent authorities empowered under the relevant forest and revenue laws.

7.44. Ms Saritha Kulkarni, Learned AGA therefore submits that the jurisdiction of the State Commission is confined to ensuring the implementation of the safeguards provided for the protection and welfare of members of the Scheduled Castes and Scheduled Tribes and to



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

inquiring into complaints relating to the deprivation of such rights and safeguards. According to her, a dispute concerning mutation or transfer of khata does not constitute a complaint relating to the deprivation of any constitutional or statutory safeguard available to members of the Scheduled Castes and Scheduled Tribes and, therefore, falls outside the ambit of Sections 8 and 10 of the Act.

7.45. She submits that, in the first place, the State Commission could not have entertained the complaint relating to the non-transfer of khata, as the grievance had no nexus with the respondents' status as members of the Scheduled Castes or Scheduled Tribes or with any safeguard available to them under the Constitution or any law. Secondly, the Commission had no authority to direct deletion of the entries standing in the name of the Forest Department in the revenue records pertaining to the subject survey numbers, as such relief could be granted only by a competent statutory authority or a Court having jurisdiction. According to her, the conferment of certain procedural powers of a Civil Court upon



CNR: KAHC010122842025

**NC: 2026:KHC:41956
WP No. 6885 of 2025**

the Commission for the limited purpose of conducting an investigation or inquiry does not transform the Commission into a Civil Court or confer upon it the power to adjudicate disputes and pass binding judicial orders determining civil rights.

7.46. She therefore contends that the impugned order, in substance and effect, is an adjudicatory order determining rights in respect of immovable property, which the Commission had no jurisdiction to pass. On this ground alone, she submits that the impugned order is liable to be quashed and the writ petition deserves to be allowed.

8. Per contra, Sri.Prithveesh, learned counsel appearing for respondent Nos. 1, 3, 5, 6 and 7, supports the impugned order and opposes the writ petition he submitted as follows:

8.1. The lands in question were originally granted in favour of the ancestors of the respondents on 23.12.1937. Pursuant thereto, Saguvali Chits were issued in their favour. Thereafter, Jameenu Guthige Muchchalike and Hangami Guthige Saguvali Chits were issued on 24.03.1952. It is



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

further submitted that, by proceedings dated 09.04.1954, the Sub-Divisional Officer, Madhugiri, confirmed the grant in favour of the respondents' predecessors on payment of an upset price of ₹0.50 per acre.

8.2. Subsequently, the Hamaldar of Sira Taluk, by communication dated 19.01.1956, called upon the grantees to remit the Khimmat (temporary land revenue assessment) in respect of the granted lands. The requisite amount was paid on 24.01.1956, and thereafter a permanent Grant Certificate came to be issued on 10.09.1956, thereby confirming the rights of the respondents' predecessors. It is also submitted that, at a subsequent point of time, the lands were sold in a public auction in favour of cultivators for a consideration of ₹20.

8.3. Learned counsel further submits that ever since the grant, the respondents and their predecessors-in-title have remained in continuous possession and enjoyment of the lands, which fact is reflected in the revenue records. According to him, upon the demise of the original grantees, the revenue authorities



CNR: KAHC010122842025

failed to effect Pouthi (succession) khata in favour of the respondents.

8.4. It was only in those circumstances that the respondents who are persons belonging to Schedule Caste category approached the State Commission seeking redressal of their grievance. The Commission, after considering the entire material placed before it, passed a reasoned order holding that the continuation of the revenue entries in the name of the Forest Department was unsustainable and consequently directed the competent revenue authorities to effect Pouthi khata in favour of the respondents.

8.5. Learned counsel further contends that the stand taken by the petitioners that the lands constitute forest land is wholly untenable. According to him, the petitioners rely only upon a preliminary notification issued under Section 4 of the Mysore Forest Regulation, 1900, proposing to constitute the lands as reserved forest. However, no final notification under Section 17 of the said Regulation has ever been issued declaring the lands to be reserved forest.



CNR: KAHC010122842025

He submits that the mandatory procedure prescribed under Sections 6 to 17 of the Mysore Forest Regulation, 1900, was never completed. In the absence of compliance with the statutory requirements and issuance of a final notification under Section 17, the lands never acquired the legal character of reserved forest or forest land.

- 8.6. Learned counsel further submits that the lands were surrendered by the Forest Department to the Revenue Department on 05.08.1954, whereafter they came under the control and jurisdiction of the Revenue Department. It is thereafter that the Revenue Department confirmed the grants in favour of the respondents' predecessors. According to him, once the lands stood transferred to the Revenue Department and valid grants were made, the Forest Department ceased to have any subsisting right, title or interest therein. It is therefore contended that the respondents, being the lawful successors to the original grantees, are entitled to have the revenue records and Pouthi khata continued in their favour. The State Commission, after taking note of these undisputed historical facts and the



CNR: KAHC010122842025

documentary material placed before it, rightly passed the impugned order.

- 8.7. On the aforesaid grounds, learned counsel submits that the impugned order passed by the State Commission is legal, valid and within the scope of its jurisdiction, does not suffer from any infirmity warranting interference under Article 226 of the Constitution of India, and accordingly prays that the writ petition be dismissed.
9. Heard Ms Saritha Kulkarni, Learned AGA for the petitioner. Mr. Pruthveesh, learned counsel for the respondents. Perused papers.
10. The points that would arise for determination are:
- (i) **Whether the Karnataka State Scheduled Castes and Scheduled Tribes Commission has the jurisdiction under the Karnataka State Commission for the Scheduled Castes and Scheduled Tribes Act, 2002, to adjudicate disputes relating to immovable property and issue binding directions for deletion of revenue entries, declaration of land as non-forest land and mutation of khata?**
 - (ii) **Whether, in the facts of the present case, involving disputed questions regarding title, grant, revenue records**



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

and the status of the lands as forest lands, the Commission could have entertained the complaint and passed the impugned order?

(iii) What order?

11. This Court answers the above points as follows:

12. **Answer to Point No. (i): Whether the Karnataka State Scheduled Castes and Scheduled Tribes Commission has the jurisdiction under the Karnataka State Commission for the Scheduled Castes and Scheduled Tribes Act, 2002, to adjudicate disputes relating to immovable property and issue binding directions for deletion of revenue entries, declaration of land as non-forest land and mutation of khata?**

12.1. Ms Saritha Kulkarni, Learned AGA submitted that the Commission is created by a statute. It can act only within the limits of that statute. Those limits are set by the Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Act, 2002 (the Act of 2002) and the Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Rules, 2012 (the Rules of 2012). Her main point was simple. The Act does not give the Commission any power to decide disputes. Its



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

role is only to investigate, to monitor and to recommend/advise.

12.2. She took this Court through the Statement of Objects and Reasons of the Act of 2002, which has already been extracted hereinabove. She submitted that the Commission was set up for a limited purpose. It was to watch how the safeguards for the Scheduled Castes and Scheduled Tribes are working. It was to look into complaints that these rights and safeguards are being denied. It was to advise on planning for their development. And it was to make recommendations and yearly reports to the State Government. The aim was to create a watchdog and an adviser. It was not to create a court.

12.3. Ms Saritha Kulkarni, Learned AGA next relied on Section 8 of the Act. This section lists the functions of the Commission. It has already been extracted hereinabove. She took each clause in turn. Clause (a) is to investigate and examine how the safeguards are working. Clause (b) is to inquire into complaints of denial of rights and safeguards, and then to take up



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

the matter with the appropriate authorities. Clause (c) is to advise on planning. Clause (d) is to recommend measures and to report every year. Clause (e) is to carry out other functions that may be prescribed. Clause (f) is to recommend changes in the reservation percentage.

- 12.4. She submitted that not one of these clauses lets the Commission decide title, order mutation, declare land to be non-forest land, or delete the entries of the Forest Department.
- 12.5. She then relied on Section 9 of the Act, extracted hereinabove. Under this section, the recommendations of the Commission must be placed before each House of the State Legislature. They must be placed along with the action taken or proposed, and the reasons for not accepting them, if any. She submitted that this shows the true nature of the Commission's work. Its recommendations are not final. They do not become effective or work on their own. The Government may even refuse to accept them, and need only explain why to the Legislature.



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

12.6. She relied on Section 10 of the Act, extracted hereinabove. This section gives the Commission the powers of a civil court, but only '*while investigating any matter under Section 8*'. These powers are to summon persons, to call for documents, to receive evidence on affidavit, to call for public records, and to issue commissions. She submitted that these are only procedural powers. They help the Commission to investigate. They do not turn the Commission into a civil court. They do not give it power to pass binding orders on civil rights.

12.7. She then took this Court through the Rules of 2012. All the rules relied upon have been extracted hereinabove. Rule 10 lays down the procedure for investigation and inquiry. Under sub-rule (6), after the inquiry, a report is submitted, and 'action may be initiated' on it with the approval of the Chairperson. She submitted that this 'action' is only recommendatory. It means taking up the matter with the proper authority. It does not mean passing a binding order.



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

12.8. She relied on the other rules as well. Rule 15 is titled 'Advisory role of the Commission'. It describes exactly that. Rule 16 is about interacting with the State Planning Board. Rules 17, 18 and 19 deal with monitoring, with calling for returns and reports, and with follow-up action. Rule 20 deals with non-formal actions. It only lets the Commission write letters in special cases, as a protector of the interests of these classes. She submitted that every rule points the same way. The scheme is advisory and recommendatory throughout. It is nowhere adjudicatory.

12.9. On these provisions, her submission is that the impugned order deletes the entries of the Forest Department. It declares notified forest land to be non-forest land. It directs mutation of khata in favour of the respondents.

12.10. In effect, this is an order deciding rights in immovable property. The Commission had no power to pass such an order. The order is therefore without jurisdiction and liable to be quashed.



CNR: KAHC010122842025

12.11. Sri Prithveesh, learned counsel for the respondents, supported the impugned order. On jurisdiction, his submission was as follows.

12.12. The respondents belong to the Scheduled Caste category. They went to the Commission with a real grievance. After the death of the original grantees, the revenue authorities had failed to enter Pouthi (succession) khata in their favour. The Commission looked at the whole material and passed a reasoned order.

12.13. He submitted that the revenue entries in the name of the Forest Department could not continue. The Commission was competent to direct the revenue authorities to enter Pouthi khata in favour of the respondents. He submitted that the order is legal, valid and within jurisdiction. It has no defect that calls for interference under Article 226 of the Constitution of India. He prayed that the writ petition be dismissed.

12.14. The dispute on this point is a pure question of law. It is about the true nature and extent of the powers of the Commission under the Act of 2002 and the Rules of 2012.



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

12.15. The Statement of Objects and Reasons shows why the Act was made. The Act sets up a permanent Commission. That Commission is to investigate and examine how the safeguards for the Scheduled Castes and Scheduled Tribes are working. It is to inquire into complaints that these rights are being denied. It is to advise on planning for their development. And it is to make recommendations and yearly reports to the State Government. The purpose is protective, supervisory and advisory. There is nothing in it about setting up a court, or about any power to decide disputes.

12.16. Section 8 is at the heart of the matter. It sets out the functions of the Commission. On a plain reading, every function in it is investigative, advisory or recommendatory. Clause (a) is to investigate and examine how the safeguards are working. Clause (b) is to inquire into complaints of denial of rights and safeguards, and 'to take up such matter with the appropriate authorities'. Those last words are important. After the inquiry, the Commission is to carry the matter to the authority that can act. The Commission is not itself made that



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

authority, take up with appropriate authority does not mean direct the appropriate authority, it only means bring the investigation done to the notice of the appropriate authority. Clauses (c) to (f) deal with advising on planning, recommending measures and reporting, carrying out prescribed functions, and recommending changes in reservation. None of these lets the Commission decide a dispute, decide title, order mutation, or declare the character of land.

12.17. Section 8 also carries a proviso. It says that if a matter is dealt with by the National Commission under Article 338 of the Constitution of India, the State Commission ceases to have jurisdiction over it. This shows that the jurisdiction of the State Commission is carefully limited, and can even fall away.

12.18. Two more limits are built into Section 8 itself. First, the Commission can look only at safeguards provided by the Constitution, or by some other law, or by an order of the Government. If the grievance is not about such a safeguard, clauses (a) and (b) are not



CNR: KAHC010122842025

attracted. Second, even where there is a complaint of denial, clause (b) stops at inquiry and at taking up the matter with the proper authorities. It does not allow the Commission to pass the final order itself.

12.19. A transfer of khata is not a safeguard meant for the Scheduled Castes and Scheduled Tribes. It is an ordinary part of holding land. For agricultural land, mutation is governed by the Karnataka Land Revenue Act. That law applies to everyone in the same way. There is no special procedure for mutation just because the applicant belongs to a Scheduled Caste or a Scheduled Tribe. So a grievance about non-transfer of khata is not a grievance about a safeguard under Section 8. It is an ordinary revenue matter. It must be pursued under the ordinary law before the proper authority.

12.20. Section 9 supports this reading. The recommendations under clause (d) of Section 8 must be laid before each House of the State Legislature. They go with the action taken or proposed, and the reasons for not accepting them. A body whose product can be accepted



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

or refused by the Government is plainly a recommending body. Its output does not have the force of a court order.

12.21. Section 10 does not help the respondents. It gives the Commission the powers of a civil court, but only 'while investigating any matter under Section 8'. The listed powers are to summon persons, to call for documents, to take evidence on affidavit, to call for public records, and to issue commissions. These are all aids to finding facts. Many statutes give such powers to commissions and inquiry bodies. Such powers help an inquiry. They do not, by themselves, turn the body into a court. They do not give it power to pass binding orders on civil rights. The opening words 'while investigating any matter under Section 8' make this clear. The powers are tied to the work of investigation alone.

12.22. The Rules of 2012 say the same thing. Rule 10 lays down the procedure for investigation and inquiry. Under sub-rule (6), a report is submitted, and 'action may be initiated' on it with the approval of the Chairperson. Read with



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

clause (b) of Section 8, that 'action' means taking up the matter with the proper authorities. It does not mean passing a judicial order. Rule 15 is titled 'Advisory role of the Commission', and that is what it describes. Rule 16 is about interacting with the State Planning Board. Rules 17, 18 and 19 deal with monitoring, calling for returns and reports, and follow-up. Rule 20 only lets the Commission write letters in special cases, as a protector of interests. Every one of these rules describes an advisory, monitoring or recommending function. Nowhere do the Act and the Rules give any power to adjudicate.

12.23. It follows that the Commission is not a parallel court. It is an investigating and recommending body. It may inquire into the denial of constitutional and legal safeguards. It may take up such matters with the proper authorities. It cannot decide disputes of title. It cannot order mutation or transfer of khata. It cannot declare notified forest land to be non-forest land. It cannot order deletion of the entries of the Forest Department. To do any of these is to use



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

a power that the statute has not given to the Commission.

12.24. The impugned order does exactly these things.

It deletes the listed survey numbers from the account of the Forest Department. It declares that the lands are not forest lands. It directs the revenue authorities to enter khata in the names of the respondents. In substance, this is an order deciding rights in immovable property. It lies outside the functions in Section 8. It is not supported by Section 9 or Section 10. It finds no basis in any of the Rules. The order is therefore without jurisdiction.

12.25. The power of the State Commission under Section 10 is tied to investigation under Section 8. It does not give the Commission power to grant the substantive relief of deletion of entries, declaration of non-forest status, or mutation of khata.

12.26. The power under clause (b) of Section 8 to inquire into denial of safeguards does not include the power to decide the title, the grant, or the forest status of the land, or to order mutation.



CNR: KAHC010122842025

12.27. The Karnataka State Scheduled Castes and Scheduled Tribes Commission functions in terms of Section 8, which is clearly advisory and recommendatory. a

12.28. For all the above reasons, this Court answers Point No. 1 by holding that the Karnataka State Scheduled Castes and Scheduled Tribes Commission has only an investigating, advisory, monitoring and recommending role. This is so under the Act of 2002 and the Rules of 2012. It has no power to decide disputes over immovable property. It cannot pass binding directions to delete revenue entries. It cannot declare land to be non-forest land. It cannot order the mutation of khata.

12.29. The Karnataka State Scheduled Castes and Scheduled Tribes Commission does not have the jurisdiction under the Karnataka State Commission for the Scheduled Castes and Scheduled Tribes Act, 2002, to adjudicate disputes relating to immovable property and issue binding directions for deletion of revenue entries, declaration of land as non-forest land and mutation of khata.



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

13. **Answer to Point No. (ii): Whether, in the facts of the present case, involving disputed questions regarding title, grant, revenue records and the status of the lands as forest lands, the Commission could have entertained the complaint and passed the impugned order?**

13.1. The Ms Saritha Kulkarni, Learned AGA submitted that, apart from the want of jurisdiction under Point No. (i), the facts here made it impossible for the Commission to entertain the complaint. She submitted that the Government of His Highness the Maharaja of Mysore acted under Section 4 of the Mysore Forest Regulation, 1900. It issued Notification No. A & F-2062-Ft.44-47-2989 dated 08.11.1947. That notification proposed to constitute 989 acres and 39 guntas of land in Seebi Village, Kallambella Hobli, Sira Taluk, as State Forest. It was published in the Mysore Gazette dated 13.11.1947. The subject survey numbers, she said, are part of that State Forest and forest land.

13.2. In support of the forest character of the land, she relied on the decision of the Hon'ble Supreme Court in ***T.N. Godavarman***



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

Thirumulpad v. Union of India.¹ She submitted that, as directed in paragraph 4 of the order in that case, the word 'forest' must be given its ordinary dictionary meaning. Para 4 is reproduced hereunder for easy reference:

*4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works v. State of Gujarat* (1987) 1 SCC 213, **Rural Litigation and Entitlement Kendra v. State of U.P.* (1989 Supp (1) SCC 504 and recently in the order dated 29-11-1996 (*Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority* [WP (C) No 749 of 1995 decided on 29-11-1996])). The earlier decision of this Court in *State of Bihar v. Banshi Ram Modi*⁴ has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in*

¹ (1997) 2 SCC 267.



CNR: KAHC010122842025

**NC: 2026:KHC:41956
WP No. 6885 of 2025**

the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this Court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay.

- 13.3. On this meaning, all land that is forest in that sense is forest. So is all land recorded as forest. This is so whoever owns the land, and however it is classified in the records. On this basis, she submitted that the land stayed forest land under the control of the Forest Department. No khata could be transferred to the respondents.
- 13.4. She submitted that the respondents first went to the Tahsildar, and then to the Deputy Commissioner, Tumakuru, asking for transfer of khata. Joint spot inspections were held by the Tahsildar, the Range Forest Officer and other officials. The Range Forest Officer reported that the land was part of the Seebi State Forest and deemed forest. He recommended that the applications for khata should not be allowed. The Deputy Conservator of Forests, Tumakuru, wrote to the Deputy Commissioner to protect



CNR: KAHC010122842025

the forest land and not to entertain the applications. He pointed out that several documents appeared to have been created to grab forest land.

13.5. She further submitted that there is no document showing any grant to the ancestors of the respondents. Without a grant, the question of transferring khata on the basis of Pouthi Varasu does not arise. She pointed out that Crime No. 173 of 2022 was registered at Sira Police Station on the complaint of the Tahsildar. It was registered against the respondents and the other applicants. The Assistant Commissioner, Madhugiri Sub-Division, had also pointed out many irregularities and discrepancies in the documents relied on by the applicants.

13.6. Her submission is that whether a parcel of land is forest land or not is decided under the forest and revenue laws. It is decided by the competent authorities or the proper courts. It is not decided by the Commission. The question of transfer of khata does not arise from the applicant's caste. And the documents relied on



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

by the respondents could not be relied on. On these grounds, she submitted that the Commission could not have entertained the complaint or passed the impugned order.

- 13.7. Sri Prithveesh, learned counsel for the respondents, submitted that the land was first granted to the ancestors of the respondents on 23.12.1937. Saguvali Chits were then issued to them. Jameenu Guthige Muchchalike and Hangami Guthige Saguvali Chits were issued on 24.03.1952. By proceedings dated 09.04.1954, the Sub-Divisional Officer, Madhugiri, confirmed the grant to the respondents' predecessors. This was on payment of an upset price of Rs.0.50 per acre.
- 13.8. He submitted that the Hamaldar of Sira Taluk, by communication dated 19.01.1956, asked the grantees to pay the Khimmat, that is, the temporary land revenue assessment. The amount was paid on 24.01.1956. A permanent Grant Certificate was then issued on 10.09.1956. Later, the land was sold in a public auction to cultivators for a consideration of Rs.20. He submitted that the respondents and



CNR: KAHC010122842025

**NC: 2026:KHC:41956
WP No. 6885 of 2025**

their predecessors have stayed in continuous possession, as the revenue records show. On the death of the original grantees, the revenue authorities failed to effect Pouthi khata. This is what led the respondents to approach the Commission.

13.9. On the forest question, he submitted that the petitioners rely only on a preliminary notification under Section 4 of the Mysore Forest Regulation, 1900. No final notification under Section 17 of that Regulation was ever issued to declare the land reserved forest. The procedure required under Sections 6 to 17 was never completed. Without a final notification under Section 17, the land never became reserved forest or forest land. He further submitted that the Forest Department surrendered the land to the Revenue Department on 05.08.1954. After that, the Revenue Department confirmed the grants. So the Forest Department kept no right, title or interest in the land. On these grounds, he submitted that the impugned order is legal and valid, and needs no interference under Article 226 of the Constitution of India.



CNR: KAHC010122842025

13.10. The finding on Point No. (i) is by itself enough to set aside the impugned order, for the Commission has no power to adjudicate. Point No. (ii) looks at a further question. It asks whether the very nature of this dispute was one that the Commission could take up and decide. In the considered opinion of this Court, it was not.

13.11. The two sides tell completely different stories about the land. The State says the land was notified under the forest law. Applying the principle in ***T.N. Godavarman Thirumulpad v. Union of India***,¹ the State says it is forest land under the control of the Forest Department, so no khata could be transferred. The respondents say there was a grant in 1937 by way of darkast. They say a Saguvali Chit was issued on 24.03.1952. They say the grant was confirmed on 09.04.1954. They say Khimmat was paid in 1956. They speak of an auction. And they say that, in any case, the land was transferred to the Revenue Department on 05.08.1954.



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

13.12. These stories cannot both be true. The respondents' own version does not hold together. If there was a grant in 1937, there was no need for a fresh grant, or for confirmation of a grant, between 1952 and 1954. There was no need to pay Khimmat afterwards. The respondents also say that the land was moved from the Forest Department to the Revenue Department only on 05.08.1954. That would mean the land was forest land until 1954. That does not fit with a completed grant in 1937. It does not fit with a Saguvali Chit and confirmation of grant before 1954. The dates and events relied on by the respondents pull in different directions. They cannot be reconciled on the present material.

13.13. This brings in the principle in ***T.N. Godavarman Thirumulpad v. Union of India***,¹ relied on by the learned AGA. Paragraph 4 of that order lays down a simple rule. Land that answers the description of forest, or that is recorded as forest, stays forest, whatever its classification in the records. Such land stays under the control of the Forest Department. But whether this land answers



CNR: KAHC010122842025

that description is itself in dispute. Was the notification under Section 4 followed by a final notification under Section 17? Was the procedure under Sections 6 to 17 of the Mysore Forest Regulation, 1900, completed? Was the land validly transferred to the Revenue Department, and when? These are all seriously disputed questions of fact. The principle in the **Godavarman** case, even if applied, does not let the Commission decide them. If anything, it shows that the forest character of the land is a serious matter. It must be decided by the proper forum on proper evidence. It cannot be decided by the Commission acting in a recommending or advisory role.

13.14. Many questions arise here. Was a grant made and validly confirmed? Is the land forest land, or has it ceased to be forest land? Are the documents relied on by the respondents genuine or false? Should mutation follow? To answer these, one must weigh documents, resolve contradictions, and record findings on title and status. These are classic disputed questions of fact and title. They must be decided by the competent revenue and forest



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

authorities. Where needed, they must be decided by the civil or other proper courts, under the applicable law. They could not be decided by the Commission. As found under Point No. (i), the Commission has neither the jurisdiction nor the character of a court to record such findings.

13.15. The substance of the learned AGA's submission has force. She submitted that the documents relied on by the respondents could not be relied on. She pointed out that the matter was already before the Tahsildar, and had led to Crime No. 173 of 2022. When the Tahsildar was already seized of the matter, the respondents ought not to have gone to the Commission for an operative order. That course must be deprecated.

13.16. One point must be made clear. The benefits and protections for the Scheduled Castes and Scheduled Tribes are meant for those who really need them. The Commission does not get jurisdiction over a matter simply because the person who comes to it belongs to a Scheduled Caste or a Scheduled Tribe. The Commission



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

may look only at safeguards and rights given by the Constitution, or by a law in force, or by an order of the Government. These are the matters under clauses (a) and (b) of Section 8. All other matters are governed by the general law. That law applies to everyone alike. The caste of the applicant makes no difference to the forum or to the procedure.

13.17. If the respondents were aggrieved by the Tahsildar's failure to act, they had a remedy. They could pursue the proceedings available in law before the proper authority or court. They could not go to the Commission, which had no power to give the relief they wanted. To allow the Commission's process to be used in this way would let a beneficial law be abused. It could divert benefits away from the truly needy members of these classes. No authority can allow a beneficial law to be abused. At the same time, every authority must give, by due process of law, every benefit due to a person of the Scheduled Castes or Scheduled Tribes.

13.18. The power to inquire into denial of rights and safeguards does not stretch to deciding



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

disputed questions about a person's status or entitlement. The power to inquire into denial of safeguards under Section 8 does not stretch to deciding disputed questions of title, grant or forest status.

13.19. The Commission would do well, in future, to first ask a simple question. Does the person before it, and the grievance raised, fall within Section 8 of the Act of 2002? That question of jurisdiction should be decided at the threshold. If Section 8 is not satisfied, the Commission should not let its process be misused. Otherwise, the general body of persons belonging to the Scheduled Castes and Scheduled Tribes will suffer.

13.20. For all the above reasons, this Court answers Point No. (ii) by holding that on the facts of this case, there are serious disputes about title, grant, revenue records and the forest status of the land. On such facts, the Commission could not have entertained the complaint. It could not have passed the impugned order. The Commission did not get jurisdiction merely



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

because the complainants belong to the Scheduled Castes or Scheduled Tribes.

14. **Answer to Point No. 3: What order?**

14.1. This court while answering Point No. (i) has held that the Commission has only an advisory and recommending role, and no power to adjudicate. While answering Point No. (ii) this court has held that the dispute involved questions of title and forest status that the Commission could not take up or decide. In the light of these findings, the impugned order cannot stand. It was passed without jurisdiction. It went beyond the statutory functions of the Commission. This is a fit case for this Court to interfere under Articles 226 and 227 of the Constitution of India, by issuing a writ of certiorari.

14.2. At the same time, this Court does not decide the questions that lie beneath the dispute. It does not decide the grant. It does not decide the title. It does not decide whether the land is forest or non-forest land. It does not decide whether the respondents are entitled to mutation or khata. All these questions are left



CNR: KAHC010122842025

NC: 2026:KHC:41956
WP No. 6885 of 2025

open. They are to be decided by the competent authorities or courts, in accordance with law. Liberty is therefore reserved to both sides to pursue and defend their rights before the proper forum.

14.3. In the result, and for the reasons and findings recorded above, this Court passes the following

ORDER

- i. The writ petition is allowed.
- ii. A certiorari is issued, the impugned order dated 18.05.2023 in Case No. 272 of 2022 (Annexure-A) passed by the Karnataka State Scheduled Castes and Scheduled Tribes Commission, Bengaluru, is quashed and set aside.
- iii. It is declared that the Karnataka State Scheduled Castes and Scheduled Tribes Commission has no power to decide disputes over the title or the status of immovable property. It cannot declare land to be forest or non-forest land. It cannot order deletion of the entries of the Forest Department from the revenue records. It cannot order the mutation or transfer of khata. Such power does not arise merely because the person coming to the Commission belongs to a Scheduled Caste or a Scheduled Tribe.
- iv. The questions about the grant, the title, the status of the land as forest or non-forest land,



**NC: 2026:KHC:41956
WP No. 6885 of 2025**

CNR: KAHC010122842025

and the right of the respondents to mutation or khata, are left open. They are to be decided by the competent authorities or courts, in accordance with law.

- v. Liberty is reserved to the petitioners to take such action as is available under law. Liberty is likewise reserved to the respondents to avail such defences and remedies as are available under law.
- vi. Registrar (Judicial) is directed to forward a copy of this order to the Member Secretary, Karnataka State Commission for Scheduled Castes and Scheduled Tribes, Bengaluru.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

LN
List No.: 2 Sl No.: 1