



CNR: KAHC010232342022

NC: 2026:KHC:45770
WP No. 10563 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 10563 OF 2022 (GM-RES)

BETWEEN:

SRI. GOPALA REDDY
S/O CHOWDA REDDY
AGED ABOUT 72 YEARS
V KALLAHALLI, SARJAPURA HOBLI
ANEKAL TALUK, BENGALURU-562125.

...PETITIONER

(BY SRI. V ANAND., ADVOCATE)

AND:

1. THE CHIEF SECRETARY
STATE OF KARNATAKA
DR AMBEDKAR VEEDHI
BENGALURU-560001.
2. KARNATAKA STATE COMMISSION
FOR SCHEDULE CASTE AND SCHEDULE TRIBES
NO.14/3, 2ND FLOOR, C F C BUILDING
NRUPATHUGNA ROAD
BENGALURU-560001
REP. BY ITS CHAIRPERSON.
3. SRI MURUGESH
S/O MUNIVENKATAPPA
AGED ABOUT 39 YEARS
V KALLAHALLI, SARJAPUR HOBLI
ANEKAL TALUK, BENGALURU-562125.
4. SRI K C RAMA SWAMY
BIN CHOWDAREDDY
NO.1070, DOMMASANDRA VILLAGE

Digitally
signed by
SUMA B N
Location:
HIGH
COURT OF
KARNATAKA



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JANATHA COLONY, SARJAPURA HOBLI
ANEKAL TALUK, BENGALURU-562125.

5. SMT R SHWETHA
W/O N SRIDHAR REDDY
NO.233, 3RD FLOOR
2ND WING, RJR PATEL
RESIDENCY, PATEL LAYOUT
BALAGERE MAIN ROAD
VARTHUR TOWN, BENGALURU-560087.

...RESPONDENTS

(BY SRI.MANJUNATH RAYAPPA, AGA FOR R1:
SRI. C JAGADISH, ADVOCATE FOR R2:
SRI T SHIVAKUMAR, ADVOCATE FOR R4 & R5:
R3 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET
ASIDE THE NOTICE NO. ಕೆ.ರಾ/ಅಜಾ/ಅಬು/ಆಯೋಗ/ಜಮೀನು/
ಸಿ.ಆರ್-278/2021-22 DATED 08.03.2022 ISSUED BY THE
HONBLE KARNATAKA STATE COMMISSION FOR SCHEDULED
CASTS AND SCHEDULE TRIBES AT BENGALURU AT ANNEXURE-
G AND THEREBY QUASH THE NOTICE DTD 08.03.2022 TO
MEET THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL



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ORAL ORDER

1. Petitioner, who had purchased the land bearing Sy.Nos.8, 12, 13, 124 and 124/1 situated at Valagere Kalahalli Village, Sarjapur Hobli, Anekal Taluk, Bengaluru Urban District totally measuring 3 acres 10½ guntas in terms of deeds of sale dated 06.05.1971 and 17.01.1975 from the erstwhile owners, is before this Court being aggrieved by the order dated 08.03.2022 passed by respondent No.2, Commission, at Annexure-G, directing the petitioner to maintain status-quo with regard to the said property.

2. Learned counsel for the petitioner submits that the dispute related to right, title and interest in respect of the aforesaid immovable property raised by respondent No.3, claiming to be the descendant of original vendor questioning the validity otherwise of the deeds of sale executed by the vendor in favour of the father of the petitioner, such dispute cannot be adjudicated by the



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Commission, let alone granting any interim order of this nature, as it is only the competent court of civil jurisdiction which is vested with jurisdiction to entertain such dispute. Therefore, he submits that the impugned order passed by the Commission is one without jurisdiction and authority warranting interference at the hands of this Court.

3. Learned counsel appearing for the respondent-Commission on the other hand, justifying the impugned order submits that the issue raised is with regard to the infraction of right of respondent No.3, who belongs to Scheduled Caste and the Commission, which is specifically constituted to safeguard of the interests of the said members of said community, has rightly taken cognizance of the matter and no error therefore can be found with that.

4. Heard. Perused the records.

5. Perusal of the complaint dated 24.01.2022 filed by respondent No.3 produced at Annexure-F indicate that



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admittedly, his grandfather Yellappa and his brother Marappa had sold the aforesaid land in favour of father of the petitioner in terms of the registered deeds of sale in the year 1971. He has alleged that the said deeds of sale were obtained by playing fraud on them. Therefore, the respondent No.3 has been deprived of his right over the said land. It is based on this primary allegation, intervention of respondent No.2, Commission, was sought. Taking cognizance of the same, respondent No.2, Commission, by impugned order dated 08.03.2022 has directed the petitioner herein to maintain status quo.

6. Question whether the Commission is vested with power to grant interim orders, fell for consideration by the Apex Court in the case of ***All India Indian Overseas Bank, Scheduled Castes and Scheduled Tribe, Employees' Welfare Association and Others v/s Union of India and others*** reported in ***(1996) 6 SCC 606***, wherein the Apex Court at paragraph Nos.5 to 11 has held as under:



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" 5. It can be seen from a plain reading of clause (8) that the Commission has the power of the civil court for the purpose of conducting an investigation contemplated in sub-clause (a) and an inquiry into a complaint referred to in sub-clause (b) of clause (5) of Article 338 of the Constitution.

6. Sub-clauses (a) to (f) of clause (8) clearly indicate the area in which the Commission may use the powers of a civil court. The Commission has the power to summon and enforce attendance of any person from any part of India and examine him on oath; it can require the discovery and production of documents, so on and so forth. All these powers are essential to facilitate an investigation or an inquiry. Such powers do not convert the Commission into civil court.

7. It will be interesting to observe that the Commissions of Inquiry Act, 1952 grants similar powers to the Commission of Inquiry. Section 4 and sub-sections (4) and (5) of Section 5 of the Commissions of Inquiry Act, 1952 which confer such powers are quoted below:

"4. Powers of Commission.—The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person 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 or documents;
- (f) any other matter which may be prescribed.

5. (4) The Commission shall be deemed to be a civil court and when any offence as is described in Section 175, Section 178, Section 179, Section 180 or Section 228 of the Penal Code, 1860 is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898 (Act V of 1898), forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under Section 482 of the Code of Criminal Procedure, 1898.

(5) Any proceedings before the Commission shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Penal Code, 1860."

8. In *M.V. Rajwade v. Dr S.M. Hassan* [AIR 1954 Nag 71 : 55 Cri LJ 366] the question whether the Commission of Inquiry, by virtue of the above provisions, could be treated to be a civil court for the purpose of the Contempt of Courts Act, 1971 came to be considered. The High Court observed as under:



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"It would appear from Section 4 that it only clothes the Commission with certain powers of a Civil Court but does not confer on it the status of a Court. It is only under sub-section (4) of Section 5 that the Commission is deemed to be a Civil Court and sub-section (5) imparts to the proceeding before it the character of a judicial proceeding. However, these provisions only create a fiction which cannot extend beyond the purpose for which it is created."

9. The judgment in the case of *M.V. Rajwade* [AIR 1954 Nag 71 : 55 Cri LJ 366] was referred to with approval by this Court in *Baliram Waman Hiray (Dr) v. Justice B. Lentin* [(1988) 4 SCC 419 : 1988 SCC (Cri) 941]. The question in that case was whether the Commission of Inquiry constituted under Section 3(1) of the Commissions of Inquiry Act, 1952 was a court for the purposes of Section 195(1)(b) Criminal Procedure Code, 1973. It was contended before the Court that sub-section 4 of Section 5 of the Commission of Inquiry Act created a legal fiction by which the Commission of Inquiry was deemed to be a civil court for all purposes. It was held that the words "for all purposes" are not there in the first part of sub-section (4) and the Court cannot, in the guise of interpreting the provision, supply any *casus omissus*. The Court went on to say that the purpose of creating the fiction was reflected in the second part of sub-clause (4), viz., for the purpose of proceedings under Section 482 of the old Code and Section 346 of the new Code of Criminal Procedure.

10. Interestingly, here, in clause (8) of Article 338, the words used are "the Commission shall ... have all the powers of the Civil Court trying a suit". But the words "all the powers of a Civil Court" have to be exercised "while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause 5". All the procedural powers of a civil court are given to the Commission for the purpose of investigating and inquiring into these matters and that too for that limited purpose only. The powers of a civil court of granting injunctions, temporary or permanent, do not inhere in the Commission nor can such a power be inferred or derived from a reading of clause (8) of Article 338 of the Constitution.

11. The Commission having not been specifically granted any power to issue interim injunctions, lacks the authority to issue an order of the type found in the letter dated 4-3-1993. The order itself being bad for want of jurisdiction, all other questions and considerations raised in the appeal are redundant. The High Court was justified in taking the view it did. The appeal is dismissed. No costs."

7. Following the aforesaid enunciation, the Co-ordinate Bench of this Court in ***M B Siddalingaswamy v/s State of Karnataka and Others in WP No.63405/2016(SC-ST)*** has



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held that the Commission has no power to grant injunctions and adjudicate the matter.

8. This Court by its order dated 24.07.2026 passed in W.P.No.15558/2017 has further clarified the power of Commission.

9. In view of the aforesaid enunciation of the law by the Apex Court and this Court with regard to the power, function and authority of the Commission, taking cognizance as well as passing the impugned order, cannot be sustained. If respondent No.3 has any grievance, the remedy available for him is to approach competent Court of civil jurisdiction.

10. With the above observation, writ petition is **allowed**. Impugned order dated 08.03.2022 passed by respondent No.2, Commission, at Annexure-G, is quashed.

SD/-
(M.G.S. KAMAL)
JUDGE

DM
LIST NO.: 1 SL NO.: 22