



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT PETITION NO. 23478 OF 2024 (KLGP)

BETWEEN:

1. SMT. ANURADHA S SHETTY
W/O SUBHASH CHANDAR SHETTY,
AGED ABOUT 58 YEARS,
RESIDING AT
AAKASH NAVAGIRI,
KULAI HOSABETTU POST,
MANGALORE TALUK,
DAKSHINA KANNADA-575019.
2. SUBHASH CHANDRA SHETTY
S/O MAHABALA SHETTY,
AGED ABOUT 65 YEARS,
RESIDING AT
AAKASH NAVAGIRI,
KULAI HOSABETTU POST,
MANGALORE TALUK,
DAKSHINA KANNADA-575019.

...PETITIONERS

(BY SRI. S SHAKER SHETTY., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS REVENUE SECRETARY,

Digitally
signed by
VASANTHA
KUMARY B
K
Location:
HIGH
COURT OF
KARNATAKA



VIDHANA SOUDHA,
BENGALURU-560001.

2. TAHASILDAR
MANAGALORE TALUK,
D C OFFICE COMPLEX,
HAMILTON CIRCLE,
NEAR STATE BANK OF INDIA,
MANGALORE-575001.

...RESPONDENTS

(BY SRI. S.H.RAGHAVENDRA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT AND QUASH THE PROCEEDINGS IN LGC(G) No-11033/2021 PENDING BEFORE THE SPECIAL COURT UNDER THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 AT ANNEXURE-K AND PASS ANY OTHER ORDER AS THIS HON'BLE COURT DEEMS FIT AND ALSO DIRECT THE RESPONDENTS TO PAY EXEMPLARY COST IN ACCORDANCE WITH LAW.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, 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 D K SINGH)

The present writ petition has been filed impugning the proceedings initiated by the Special Land Grabbing Court, Bengaluru, in LGC(G) No.11033/2021.



2. The petitioners have filed a suit in O.S.No.917/2015. before the Court of Civil Judge, at Mangalore seeking a decree of declaration that the plaintiff No.1 is the absolute owner of the plaint schedule property and for a relief of permanent prohibitory injunction restraining the respondents/government authorities to interfere with the peaceful possession and enjoyment of the plaint schedule property.

3. An application under Section 20 of the Karnataka Land Grabbing Prohibition Act, 2011 (for short '**the Act**'), came to be filed by the defendants seeking transfer of the suit filed by the petitioners to the Special Court constituted under the provisions of the Act.

4. The Land Grabbing Court vide order dated 10.10.2019, allowed the application and transferred the suit to the Special Land Grabbing Court for effective adjudication and disposal.



5. The question which requires consideration by this Court is that *"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?"*

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.

10. The parties are directed to appear before the Civil Court concerned on 03.07.2026. We request the Special Land Grabbing Court to send the entire records of the suit to the concerned Civil Court for adjudication.

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

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

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CT:SN
List No.: 1 SI No.: 27