

Mr. Anurag R. Mishra i/by Ms. Pooja Lankariya, for Petitioners.

DATE : 5 MAY 2026

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 20 November 2025 passed by the learned Civil Judge, whereby the learned Civil Judge has decided the preliminary issue of jurisdiction of the Civil Court to try a suit in the affirmative.
3. Learned Counsel for the Petitioners submitted that, the suit has been instituted simplicitor for cancellation of the mutation entries and a declaration that the orders passed by the revenue authorities in the revenue proceedings are null and void and not binding on the Plaintiffs. Therefore, the Civil Court would have no jurisdiction.
4. Learned Civil Judge was of the view that, there are reliefs claimed in the plaint which fall within the jurisdiction of the Civil Court, though there is challenge to the revenue proceedings. The Plaintiffs have sought relief of

declaration as well. The learned Civil Judge was of the view that the suit is of a composite nature. Learned Civil Judge has further recorded that there was procedural nullity in the proceedings before the revenue authorities.

5. The position in law is well settled. Even where exclusive jurisdiction is conferred on the Tribunal/Authority, if the Tribunal / Authority has not followed the fundamental principles of judicial process and rules of natural justice or the provisions of the Act, under which the order is passed, then the Civil Court would have jurisdiction. (**Dhulabhai and Ors. V/s. State of Madhya Pradesh and Ors.**¹

6. In the instant case, the Plaintiffs have sought relief of declaration as well. The trial Court was of the view that the suit is of a composite nature. In the aforesaid view of the matter, having regard to the findings of the trial Court that the revenue proceedings suffered from procedural nullity, this Court does not find any justifiable reason to exercise the supervisory jurisdiction against an order which holds that the civil Court has the jurisdiction. A useful reference in this context can be made to the judgment of the Division Bench of this Court in the case of **Husein Miya Dosumiya V/s. Chandubhai Jethabhai and Anr.**²

7. Needless to clarify that the Petitioners – Defendants would be entitled to raise all the contentions which bear upon the entitlement of the Plaintiffs for

1 AIR 1969 SC 78

2 AIR 1954 Bombay 239

the reliefs claimed in the suit.

8. The Writ Petition stands dismissed.

9. The Trial Court is requested to hear and decide Special Civil Suit No.1601 of 2012 as expeditiously as possible.

(N.J.JAMADAR, J.)