HC-KAR

NC: 2026:KHC:59857
WP No.19705 of 2024

CNR: KAHC010425992024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.19705 OF 2024 (LR)

BETWEEN:

SRI. BHIMASETHU MAUNIVRUNDA MUTT
BHIMANAKATTE MULUBAGILU VILLAGE,
DOORAVASAPURAM POST,
THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT,
KARNATAKA-577432.

REPRESENTED BY ITS POA/SECRETARY/DIWAN,
SRI. SAGAR BHAT,
S/O HARISH KUMAR P.S.,
AGED ABOUT 30 YEARS,
NO.25/1, RAGHUNANDANA,
NEAR BHIMANAKATTE
RAGHAVENDRA SWAMY MUTT,
VENKATAGIRIYAPPA LAYOUT,
DODDABOMMASANDRA,
VIDYARANYAPURA,
BENGALURU-560097.

Digitally signed by CHAYA S A
Location: HIGH COURT OF KARNATAKA

(NOTE AS THE PETITIONER IS A RELIGIOUS INSTITUTION, THERE IS NO REGISTRATION)

...PETITIONER

(BY SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR
SRI. S. HEMANTH BHARADWAJ, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF REVENUE,
   ROOM NO.505,
   V FLOOR, M.S.BUILDING,
   BENGALURU-560001
   REPRESENTED BY ITS
   PRINCIPAL SECRETARY.

2. THE DEPUTY COMMISSIONER
   SHIVAMOGGA DISTRICT,
   OFFICE OF THE DEPUTY COMMISSIONER,
   SHIVAMOGGA DISTRICT-577201.

3. THE ASSISTANT COMMISSIONER
   OFFICE OF THE ASSISTANT COMMISSIONER,
   SHIVAMOGGA SUB-DIVISION,
   BALARAJ URS ROAD,
   SHIVAMOGGA-577201.

4. THE TAHASILDAR
   THIRTHAHALLI TALUK,
   SHIVAMOGGA DISTRICT-577432.

5. THE ASSISTANT CONSERVATOR FORESTS
   THIRTHAHALLI TALUK,
   SHIVAMOGGA DISTRICT-577201.

6. THE RANGE FOREST OFFICER
   THIRTHAHALLI TALUK,
   THIRTHAHALLI-577432.

7. SRI. K.B. ANWAR
   S/O MOHAMMED GHOUSE,

AGED ABOUT 71 YEARS,
R/AT SEBINA KERE POST,
THIRTHAHALLI TALUK,
THIRTHAHALLI-577432.

8. SRI VASANTH SHETTY
S/O SADASHIV SHETTY,
AGED ABOUT 60 YEARS,
THIRTHAHALLI TALUK,
THIRTHAHALLI-577432.

9. SMT. USHA RAJASHEKAR HEBBAR
W/O RAJSHEKAR HEBBAR,
AGED ABOUT 54 YEARS,
R/AT SAMSKRUTHI, II MAIN ROAD,
KINNI MULKI,
VEGAS TOWNSHIP,
UDUPI-576101.

10. THE LAND TRIBUNAL,
THIRTHAHALLI,
THIRTHAHALLI TALUK,
THIRTHAHALLI - 577432.

11. SRI. VASUDEVA KINI
S/O LATE G. GOVINDARAYA KINI
AGED ABOUT 67 YEARS
R/AT BALEBBAILU
THIRTHAHALLI TALUK
SHIVAMOGGA DISTRICT – 577 432.

12. SRI. SEETHARAMA B.S.
S/O LATE SRINIVASAIYYA
AGED ABOUT 55 YEARS

BHARATHIPURA POST
THIRTHAHALLI TALUK
THIRTHAHALLI - 577 432.

…RESPONDENTS

(BY SMT. SHARADA H.V., AGA FOR R1 TO R6 & R10;
SRI. N.K. SIDDESWARA, ADVOCATE FOR R7;
SRI. PRAKASHA HEGDE K., ADVOCATE FOR R11;
NOTICE TO R8 DISPENSED WITH V/O DATED 13.08.2026;
R9 & R12 ARE SERVED & UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 21.01.1993 PASSED BY THE RESPONDENT NO.10 HEREIN (LAND TRIBUNAL) IN CASE NO. LRT (INAM) KSB/MKV2/91-92 VIDE ANNEXURE-A; AND ETC.

THIS WRIT PETITION HAVING BEEN RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **E.S. INDIRESH J.,** MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

CAV ORDER

1. In this Writ Petition, the petitioner-Mutt is assailing the order dated 21.01.1993 in case No.LRT(Inam)KSB/MKV2/1991-92 (Annexure-A) passed by respondent No.10-Land Tribunal

and the order bearing No.Thirthahalli Sub-Division/Mafi Pass/CR-5(17)/2024-25/397 dated 29.06.2024 (Annexure-G) passed by respondent No.5, inter alia, sought for direction to respondents not to remove any flora and fauna from the schedule property.

2. Relevant facts for the adjudication of the case as averred in the Writ Petition are that, the petitioner is a Mutt situated on the banks of the river Tunga, named as Bhimasethu Munivrunda Mutt. The petitioner – Mutt is the absolute owner of the land bearing Sy.No.25 measuring 1 acre 37 guntas, Sy.No.27 measuring 1 acre 3 guntas and Sy.No.28 measuring 1 acre 32 guntas, situate at Melina Kuruvalli, Thirthahalli Taluk, Shivamogga District, having acquired the same from one Subbaiah Gowda, as per the registered Sale Deed dated 09.08.1965(Annexure-B). Thereafter the record of rights were mutated in favour of the petitioner – Mutt as per Annexure-C Series. It is also reflected in the RTC records as "Beelu lands", as such, they are uncultivable lands. It is further stated in the Writ Petition that the schedule lands are not classified as inam land and the name of the Mutt is reflected in Column 9 and 12

of the RTC. It is also stated that, the petitioner-Mutt came to know that the respondent No.5 has issued a "mafi pass" dated 29.06.2024 to respondent No.9 through GPA holder permitting them to cut the trees (Annexure-G). On enquiry, the petitioner-Mutt came to know that the respondent No.7 has filed application to respondent No.10 seeking occupancy right in respect of the subject land and the proceedings have been conducted in LRT(Inam)KSB/MKV2/1991-92 and the petitioner-Mutt was represented through an unauthorised person and the application filed by respondent No.7 is produced at Annexure-H. It is the case of the petitioner that, the petitioner-Mutt has not given any authority to any person to issue letter dated 24.09.1992(Annexure-J) to the respondent No.10. The respondent No.10 – Land Tribunal, based on the aforesaid letter, granted occupancy right in favour of the respondent No.7 and therefore, contended that, the same is illegal and not binding on the petitioner-Mutt. The respondent No.7 had executed registered Sale Deed dated 01.12.2011(Annexure-K) in favour of respondent No.9. It is stated in the Writ Petition that, the Land Tribunal has not conducted the enquiry and

therefore, it is contended by the petitioner-Mutt that the Land Tribunal has no inherent jurisdiction to conduct proceedings as the land in question is not an inam land and therefore, it is contended that, the impugned order is void ab initio and as such, challenged the impugned order at Annexure-A in the present Writ Petition.

3. Heard Sri. D.R. Ravishankar, learned Senior Counsel appearing on behalf of Sri. S. Hemanth Bharadwaj, learned counsel for the petitioner-Mutt, Smt. Sharada H.V., learned Additional Government Advocate appearing for respondent Nos.1 to 6 and 10, Sri. N.K. Siddeswara, learned counsel appearing for the respondent No.7, and Sri. Prakasha Hegde K., learned counsel appearing for the respondent No.11.

4. Sri. D.R. Ravishankar, learned Senior Counsel appearing for the petitioner-Mutt, argued that the impugned order at Annexure-A is based on Form No.1 filed by the respondent No.7 and as the schedule land is the self acquired property of the petitioner-Mutt and therefore, the provisions contained under the Karnataka Certain Inams Abolition Act, 1977 or the

Karnataka Land Reforms Act, 1961, are not applicable to the land in question and therefore, it is argued that, the entire proceedings is non est in law and contrary to law, as the land in question is a 'sarkari patta' which requires to be assessed under land revenue and therefore, referring to Section 1(3)(b) and Explanation therein, under the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (hereinafter referred to as 'the Act'), argued that, the land in question is not an inam land and therefore, sought for interference of this Court. Learned Senior Counsel for the petitioner-Mutt, further invited the attention of the Court to Sections 3, 4(14) and 9 of the Act and argued that, the Land Tribunal has no jurisdiction to grant occupancy right in respect of the land in question and therefore, it is argued that, the impugned order at Annexure-A is nullity in law and as such, referred to the Judgment of the Hon'ble Supreme Court in the case of ***KIRAN SINGH AND OTHERS Vs. CHAMAN PASWAN AND OTHERS***, reported in (***1954) 1 SCC 710*** and argued that the entire proceedings require to be quashed.

5. Per contra, Sri. N.K. Siddeswara, learned counsel appearing for respondent No.7 argued that the impugned order is challenged after inordinate delay of 31 years and therefore, sought for dismissal of the Writ Petition on the ground of delay and laches. In this regard, learned counsel for the respondent No.7 places reliance on the Judgment of the Hon'ble Supreme Court in the case of ***STATE OF ORISSA AND ANOTHER Vs. LAXMI NARAYAN DAS (DEAD) THROUGH LEGAL REPRESENTATIVES AND OTHERS***, reported in ***(2023) 15 SCC 273*** and in the case of ***HMT LTD. Vs. SMT. RUKMINI AND OTHERS***, reported in ***AIR 2024 SC 4677*** and accordingly, sought for dismissal of the Writ Petition.

6. It is further argued by the learned counsel for respondent No.7 by referring to the deposition of respondent No.7 as per Annexure-R15 and the deposition of the Power of Attorney of petitioner-Mutt at Annexure-J, that the petitioner-Mutt was aware about the proceedings pending consideration before the Land Tribunal and as the land in question is a tenanted land and therefore, sought for dismissal of the Writ Petition.

7. Sri. Prakasha Hegde K., learned counsel for respondent No.11, argued that respondent No.11 had purchased the land in question on 28.06.2024 and therefore, sought for dismissal of the Writ Petition.

8. Smt. Sharada H.V., learned Additional Government Advocate, sought to defend the impugned orders.

9. In the light of the submissions made by the learned counsel appearing for the parties, on careful consideration of the impugned order at Annexure-A passed by the respondent No.10 – Land Tribunal, it is forthcoming that the land in question has been purchased by the petitioner-Mutt as per the registered Sale Deed dated 09.08.1965 (Annexure-B) from one Subbaiah Gowda. It is also forthcoming from the RTC that the name of the petitioner-Mutt is reflected in Column No.9 and 12 of the RTC extracts. It is also stated in the RTC extracts that the land in question was 'Beelu' and therefore, there was no cultivation of the land in question. It is also to be noted that as the land in question has been assessed for land revenue by the respondent – State and therefore, the land cannot be classified and declared as 'inam land'. In that view of the matter, the

entire proceedings conducted by respondent No.10 – Land Tribunal to confer occupancy right in respect of the subject land as per the impugned order at Annexure-A is nullity in law and the Land Tribunal has no jurisdiction to confer occupancy right in respect of the land in question which is a "sarkari patta" and not "inam patta". It is also to be noted that, as there is no material before the Land Tribunal to consider the land in question as inam land, much less the fact that, the respondent No.7 has not proved that he was cultivating the land in question as a tenant under landlord and further, the respondent No.7 has not fulfilled the condition stipulated under Section 9 of the Act, and therefore, the Land Tribunal has passed the impugned order without jurisdiction and the entire proceedings is illegal and nullity in law. In this regard, it is relevant to extract paragraph 6 of the Judgment in ***KIRAN SINGH*** (supra) which reads as under:

> *"6. The answer to these contentions must depend on what the position in law is when a Court entertains a suit or an appeal over which it has no jurisdiction, and what the effect of section 11 of the Suits Valuation Act is on that position. <u>It is a</u>*

fundamental principle well established that a decree passed by a Court without jurisdiction is a nullity, and that its invalidity could be set up whenever and wherever it is sought to be enforced or relied upon, even at the stage of execution and even in collateral proceedings. A defect of jurisdiction, whether it is pecuniary or territorial, or whether it is in respect of the subject-matter of the action, strikes at the very authority of the Court to pass any decree, and such a defect cannot be cured even by consent of parties. If the question now under consideration fell to be' determined only on the application of general principles governing the matter, there can be no doubt that the District Court of Monghyr was coram non judice, and that its judgment and decree would be nullities. The question is what is the effect of Section 11 of the Suits Valuation Act on this position."

(underlined by me)

10. It is also relevant to cite the Judgment of the Hon'ble Supreme Court in the case of ***MUTHAVALLI OF SHA MADHARI DIWAN WAKF S.J. SYED ZAKRUDEEN AND ANOTHER Vs. SYED ZINDASHA AND OTHERS***, reported in

(2009) 12 SCC 280. Paragraph Nos.18 and 19 of the said Judgment read as under:

> *"18. The learned Additional Subordinate Judge furthermore committed a serious error in allowing the application for impleadment filed by the first respondent on the premise that the appellant had no objection thereto. Endorsement of no objection was made by the counsel for the State. Evidently, the State was not interested in a dispute by and between the appellant and the first respondent. Appellant's counsel while taking notice of the application categorically stated that a counter affidavit is required to be filed. Thus an endorsement of `no objection' made by or on behalf of the counsel for the state could not have been put in use against the appellant by the learned judge.*
>
> *19. In any view of the matter, it is well settled that no amount of consent can confer jurisdiction on a court when it has none. If the court had no jurisdiction, any order passed by it is a nullity. When the court lacks inherent jurisdiction, the procedural provision of estoppel, waiver or res-judicata shall also not apply. {[See Chief Justice of Andhra Pradesh & Ors. v. L.V.A. Dikshitulu & Ors.*

[AIR 1979 SC 193 at 198] and Chandrabhai K. Bhoir and Ors. v. Krishna Arjun Bhoir and Ors. [2008 (15) SCALE 94]}."

(underlined by me)

11. Following the declaration of law made by the Hon'ble Supreme Court referred to above and as the impugned order passed by the Land Tribunal is a void order and therefore, the arguments advanced by the learned counsel appearing for the respondents that there is an inordinate delay of 3 decades cannot be accepted as the impugned Order is void ab initio. In this regard, the Division Bench of this Court at para 15 in RFA No.37/2014 disposed of on 15.06.2026 held as follows:

"15. It is settled principle of law that a thing which is void, is void from its inception as rightly contended by the learned counsel for the plaintiff that a void document is void for ever. A void document is void from its inception and does not require any challenge to it as an absolute necessity as the same is just a mere formality. 'Void' is 'Void' for ever and cannot be made valid merely because no challenge is made. The Trial Court having

considered this aspect of the matter rejected the contention of the defendants."

12. Following the declaration of law made by this Court and the Hon'ble Supreme Court and further, as the land in question is not a tenanted land under Inams Abolition Act and therefore, the impugned Order passed by the respondent No.10 at Annexure-A is void ab initio and nullity in law and therefore, I find force in the submission made by the learned Senior Counsel appearing for the petitioner-Mutt. Hence, I pass the following:

ORDER

(i) The Writ Petition is allowed.

(ii) The order dated 21.01.1993 in case No.LRT(Inam)KSB/MKV2/1991-92 (Annexure-A) passed by the respondent No.10 – Land Tribunal is accordingly quashed.

(iii) The order bearing No.Thirthahalli Sub-Division/Mafi Pass/CR-5(17)/2024-25/397 dated 29.06.1994 (Annexure-G), passed by the respondent No.5 is accordingly, set aside and

writ of mandamus is issued to respondent No.4 – Tahsildar to enter the name of the petitioner – Mutt in the revenue records, in respect of the subject land, forthwith.

(iv) Pending application, if any, does not survive for consideration.

SD/-
(E.S.INDIRESH)
JUDGE

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List No.: 1 Sl No.: 60