

KABK610012242021



**IN THE COURT OF CIVIL JUDGE AND JMFC,
BANAhatti**

PRESENT: Smt. SAUMYA HOOLI

B.A.,LL.B.

**Civil Judge & JMFC,
BANAhatti**

O.S.No.127/2021

Dated: This the 16th day of March, 2026

PLAINTIFF:

1. Radha @ Bebi W/o Ramesh Hongal,
R/o: Belagavi, Tq & Dist.: Belagavi.

(By Sri B.M.L., Advocate)

//Versus//

DEFENDANTS:

1. City Land Surveyor, Rabakavi-Banahatti,
Main road, Rabakavi, Tq: Rabakavi-Banahatti,
Dist.: Bagalkot.
2. Assistant Director of Land Records,
Old Tahsildar Office, Jamakhandi.

3. Deputy Director of Land Records,
District Administration Building,
Room No.234, Navanagar, Bagalkot.
4. Shantaveer S/o Gangappa Muagati,
R/o: Banahatti, Tq: Rabakavi-Banahatti.

**(Defendant No.1 to 3 by Learned AGP)
(Defendant No.4 by Sri. V.S.H., Advocate)**

PARTIES ON I.A.No.I

Applicants/Defendants:

1. Government of Karnataka & others

//Versus//

Opponent/Plaintiff

1. Radha @ Bebi W/o Ramesh Hongal

Provision under which applications are filed : U/sec.7 rule 11 (d) R/w
sec.151 of CPC

Reliefs sought for : Rejection of plaint

Date of filing the application : 08.04.2022

Number of the application : I.A No.I

Date of filing memo : 08.04.2022

Date of pronouncement of the order : 16.03.2026

ORDER ON IA No.I

1.Stage: IA No.I is filed U/O 7 Rule 11 (d) r/w Section 151 of CPC. The instant application is filed seeking rejection of plaint. The instant suit is filed for the relief of mandatory injunction. The I.A.No.I is filed on 08.04.2022. The number of applications in this suit are two. The plaintiff has filed objections to IA No.I. The date on which the orders on IA No.I passed is 16.03.2026.

2. The defendants have filed this IA No.I Under order 7 Rule 11 (d) r/w Section 151 of C.P.C., seeking rejection of the plaint on the ground that, the suit is barred by Section 61 of Karnataka Land Revenue Act,1964.

3. In the affidavit annexed to IA No.I, it is specifically contended that the present suit is barred under Section 61 of the Karnataka Land Revenue Act, 1964 as the dispute pertains to matters which fall within the exclusive jurisdiction of the revenue authorities. It is stated that the plaintiff has filed the present suit seeking a direction against the revenue authorities to change the

nature of the suit properties in the PR cards by substituting the entry of 'ancestral property' with that of 'self-acquired property. It is further contended that during the survey conducted in the year 1978, the concerned authorities entered the particulars in the CTS records based on the information furnished by the owners of the respective properties. It is stated that at the time of the said survey, the father of the plaintiff had not produced any sale deeds in respect of the suit properties. Therefore, the entries in the CTS records were made on the basis of the information provided by the plaintiff's father and the same entries have continued thereafter. It is further stated that at the time of the City Survey, the suit properties stood in the name of Dundappa Basappa Mugati and were recorded as ancestral property. It is contended that with respect to the suit properties, pursuant to the compromise and order of the Court, the names of the respective owners have been entered in the concerned records. It is therefore contended that, in view of Section 61 of the Karnataka Land Revenue Act, 1964 this Court has no jurisdiction to entertain the present suit and on that ground the learned AGP has prayed to allow IA No. I rejecting the plaint.

4. Per contra, the plaintiff has filed objections to IA No.I. In the objections, plaintiffs averred that the father of the plaintiff had purchased the suit properties from one Paravva Gangappa Vantagedi under a duly registered sale deeds and that the properties are therefore the self-acquired properties of the plaintiff's father. It is further contended that during the allotment of CTS numbers, the CTS authorities, upon verification, have mistakenly recorded the suit properties as ancestral properties and that under the provisions of the Karnataka Land Revenue Act, the defendant No.1 is empowered to rectify such mistake in the CTS records. It is further contended that since there exists a registered sale deeds in respect of the suit properties, the defendant No.1 has the authority to rectify the entries in the CTS records on the basis of the said registered sale deeds. It is therefore contended that there is no ground for rejection of the plaint and that this Court has jurisdiction to entertain and try the present suit. On these grounds, the plaintiff has prayed for dismissal of IA No. I.

5. Upon hearing the arguments and on perusal of materials placed on record, the following points that arise for consideration are;

- (1) Whether the defendants have made out grounds provided under Order 7 Rule 11 (d) r/w Section 151 of CPC ?
- (2) What order?

6. The findings of this court to the above points are as under;

Point No.1 : In the Affirmative.

Point No.2 : As per final order for the following;

REASONS

7. Point No.1:- In brief, it is the contention of the defendants that, this court has no jurisdiction to try the suit as the suit is barred U/sec.61 of Karnataka Land Revenue Act,1964.

8. It is well settled principle of law that, in order to decide an application Under order 7 Rule 11 of CPC, only the plaint averments are to be looked into. On perusal of the averments

made in the plaint, it is forthcoming that the plaintiff has sought a direction against the defendants to rectify the nature of the suit properties in the PR cards on the ground that the revenue authorities have wrongly recorded the same as ancestral properties. It is pertinent to note that the Civil Court cannot exercise jurisdiction in respect of mutation or correction of entries in the revenue records, as the said matters fall within the exclusive domain of the revenue authorities. It is also pertinent to note that the entries made in the revenue records are primarily maintained for fiscal purposes and the competent revenue authorities are empowered under the provisions of the Karnataka Land Revenue Act, 1964 to effect necessary corrections or rectifications in such records. Therefore, when a specific mechanism is provided under the statute for seeking rectification of revenue entries, the parties are required to approach the competent revenue authorities. Further, the relief sought by the plaintiff is essentially for directing the revenue authorities to rectify the nature of the properties

recorded in the PR cards. Such a relief squarely pertains to correction of revenue records, which falls within the jurisdiction of the revenue authorities and not within the jurisdiction of the Civil Court.

9. At this juncture, it is necessary to refer to Section 61 of the Karnataka Land Revenue Act, 1964 which provides a bar on the jurisdiction of Civil Courts in respect of matters which the revenue authorities are empowered to determine under the provisions of the said Act. The object of the said provision is to ensure that matters relating to maintenance, correction and regulation of revenue records are decided by the competent revenue authorities constituted under the statute. Under the scheme of the Karnataka Land Revenue Act, the revenue authorities are vested with the power to maintain revenue records and to effect necessary corrections or rectifications in such records whenever any mistake or discrepancy is brought to their notice. Therefore, whenever a party seeks correction or rectification of entries in revenue

records, the proper course is to approach the competent revenue authority as provided under the Act. In the present case, on careful perusal of the plaint averments, it is evident that the primary relief sought by the plaintiff is to direct the defendants to rectify the nature of the suit properties recorded in the PR cards by substituting the entry of 'ancestral property' with 'self-acquired property'. Such a relief essentially relates to correction of entries in the revenue records. When the statute specifically confers power upon the revenue authorities to deal with such matters, the Civil Court cannot assume jurisdiction in view of the express bar contained under Section 61 of the Karnataka Land Revenue Act, 1964. Therefore, the remedy available to the plaintiff is to approach the competent revenue authority for appropriate relief in accordance with law. Hence, the present suit, which essentially seeks a direction relating to rectification of entries in the revenue records, is barred by the provisions of Section 61 of the Karnataka Land Revenue Act, 1964. It is also relevant to note that Section 61 of the Karnataka Land

Revenue Act, 1964 creates a bar on the jurisdiction of Civil Courts in respect of matters which the revenue authorities are empowered to determine under the said Act. Hence, when the statute specifically confers such powers upon the revenue authorities, the Civil Court cannot entertain the present suit seeking directions relating to revenue entries. Moreover, in the objections filed to IA No. I, the plaintiff herself has stated that the defendants have the power to rectify the entries in the revenue records. This itself indicates that the remedy sought by the plaintiff lies before the competent revenue authorities and not before the Civil Court. It is also relevant to refer to Section 9 of the Code of Civil Procedure, 1908 which provides that the Civil Courts shall have jurisdiction to try all suits of a civil nature except those of which the cognizance is either expressly or impliedly barred. Thus, though the Civil Court has wide jurisdiction to entertain civil disputes, such jurisdiction is subject to any statutory bar created by a special enactment. Therefore, though Section 9 of the Code of Civil Procedure, 1908 confers general

jurisdiction upon Civil Courts, the same is subject to the bar created under Section 61 of the Karnataka Land Revenue Act, 1964. Therefore, on a meaningful reading of the plaint averments, it is clear that the relief sought by the plaintiff is in respect of rectification of entries in the revenue records, which is a matter falling within the domain of the revenue authorities. Accordingly, the present suit is barred by law. Hence, this court answered point No.1 in the **Affirmative**.

10. Point No.2: For the foregoing reasons assigned in point No. 1 , this court proceeds to pass the following :

ORDER

I.A.No-I filed by the Applicant/Plaintiff
U/O 7 Rule 11(d) r/w Section 151 of Civil
Procedure Code is hereby allowed.

The plaint is hereby rejected.

Draw decree accordingly.

No order as to cost.

(Dictated to the stenographer directly on computer typed by him, corrected by me, then pronounced in the open court on this the 16th day of March, 2026)

(SAUMYA HOOLI)
Civil Judge & JMFC
Banahatti