

KABR310016452024



IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE &

J.M.F.C., AT DEVANAHALLI

PRESENT

SRI. PRAVEEN NAYAK, LL.M.,

Prl. Senior Civil Judge & J.M.F.C.,
Devanahalli.

Dated this day of 06th April 2026

O.S.No.1190/2024

BETWEEN:

Pattada Sri. Gurunanjeswara : **Plaintiff**
Shivacharya Swamigalu
Matadipati of
Jangama Mutt-Samsthana Mutt,
Hunasamaranahalli Mutt,
Hunasamaranahalli Village,
Jala Hobli,
Yelahanka Taluk

(Plt. - By Sri. J.S.D., Advocate)

AND:



1. Smt. Ashwathamma : **Defendants**
W/o Venkataswamy
Aged about 49 years
2. Sri. Manjunath.V
S/o Venkateshappa
Aged about 39 years,
3. Sri. Srinivas.V,
S/o Venkateshappa
Aged about 36 years,
4. Smt. Kempamma
W/o Venkataswamy
Aged about 43 years,
5. Sri. Mahesh.V,
S/o Venkataswamy
Aged about 29 years,
6. Sri. Rajesh.V
S/o Venkataswamy
Aged about 25 years,

All are R/at
Hunasamaranahalli Village,
Jala Hobli,
Yelahanka Taluk,



7. Sri. V. Satynarayana
S/o Late Venkata Ramaiah
Aged about 55 years,
R/at: Janatha Colony
Hosahalli Road,
Hunasamaranahalli post,
Jala Hobli, Yelahanka Taluk,
Bengaluru-562157

8. Sri. Manjunatha. S.G
S/o Sri. Govindaraju
Aged about 42 years,
R/at: Kodiganahalli Village,
Bettahalasuru Post,
Jala Hobli,
Bengaluru-562157

(Deft. 1 to 6 - By Sri. M.D.N., Advocate)

(Deft.7 & 8 – By Sri. P.B.R., Advocate)

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i	Provision under which the application is filed	U/o.VII Rule 11 (d) of C.P.C
ii	Relief sought for	Rejection of Complaint
iii	The date on which the application is filed	19-01-2026
iv	Number of the application	I.A.No.5
v	Date of filing objection	12-02-2026



vi	Date of Pronouncement of Order	06-04-2026
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Sd/-
(PRAVEEN NAYAK)
Prl. Senior Civil Judge & J.M.F.C.,
Devanahalli

ORDER ON I.A.No.V

The instant application has been filed by the counsel defendants No.1 to 8 U/o. VII Rule 11 (d) of C.P.C for rejection of plaint as the suit is barred by law.

2. In the affidavit accompanying the application, the defendant No.8 has stated that the plaintiff has filed the present suit seeking the Declaration of title and for cancellation of Sale Deed dated 23-08-2024 executed by defendants No.1 to 6 in favour of defendants No.7 and 8. In paragraph No.9 to 12 it is stated that "the Assistant Commissioner vide order dated 22-02-2024 passed in RA (YLK) 499/2024 directed Tahasildar to mutate the revenue records in respect of the plaint schedule property



based on the order dated 29-12-1980 in proceedings bearing LRF No. 66/1974-75 passed by the Land Tribunal, Devanahalli Taluk granting the plaint schedule property in favour of of 1st defendants father-in-law. Mr. Venkatarayappa. In compliance thereof vide MR.T 145/2023-24 the revenue records have been mutated if 1st to 6th defendants. 1st to 6th defendants have executed sale deed dated 23-08-2024 in favour of 7th and 8th defendant in respect of plaint schedule property on the basis of the Land Tribunal's order dated 29-12-1980 and MR.T 145/2023-24. The Land Tribunal's order dated 29-12-1980 in LRF No.66/1974-75 is allegedly bad in law for the following reasons:

- 1) 1st defendant father in law Mr.Venkatarayappa was not the tenant in respect of the plaint schedule property.
- 2) Mr. Venkatarayappa allegedly died on 09-04-1979 and his thumb impression in the order sheet of case No. LRF 66/1974-75 are allegedly forged.
- 3) Mr. Venkatarayappa has allegedly not filed any application in form No.7 as per the " Villagewar register of application".



4) The Land Tribunal's members signature has been allegedly forged". It is the case of the plaintiff that Land Tribunal vide order dated 29-12-1980 in LRF No.66/1974-75 is incorrect and therefore, the defendants No.1 to 6 did not allegedly inherited any title in respect of plaint schedule property and consequently the plaintiff is entitled for declaration of title and cancellation of sale deed dated 23-08-2024 made in favour of defendants No.7 and 8. In absence of specific findings on the alleged invalidity of the aforementioned Land Tribunal Orders dated 29-12-1980 in LRF No.66/1974-75, this court has no power to grant either the relief of declaration or cancellation of sale deed as sought by the plaintiff. It is well settled law that validity of a Land Tribunal Order can not be challenged in a civil court. The plaintiff has challenged the validity of the Land Tribunal Order before this court and the same is barred by law. Hence, prayed to allow the application.

3. The application is opposed by the counsel for plaintiff by stating that the same is not maintainable under law. It is stated that the defendants have filed similar application for rejection of plaint and later withdrawn the same as not pressed. They can not



filed one more application under the same provision of law. The plaintiff has filed the above suit for the relief of declaration to declare them as absolute owner in possession of the suit schedule property and consequential relief of declaration that the sale deed executed by defendants No.1 to 6 dated 23-08-2024 in respect of the suit schedule property in favour of defendants No.7 and 8 as null and void. The defendants have filed the present application to delay the proceedings. The suit is not barred under any provision of law. The entire averments of the plaint does not bar the suit under any provision of law. The application is replica of written statement. There is no proceedings registered before Land Tribunal and there is no application filed for grant of occupancy right as per Form No.7. The entire records built up by the defendants are created documents. There is no order by Land Tribunal. Hence, prayed to reject the application with cost.

4. The brief averments of the plaint are as follows:

The plaintiff is the absolute owner in possession and enjoyment of the suit schedule property. They acquired the same by virtue of occupancy rights granted by the Special Deputy Commissioner for abolition of Inam, Bengaluru District as per



case No.111/1959-60. Subsequent to grant of occupancy right, the special Deputy Commissioner for Inam Abolitions also issued endorsement dated 08-05-1964. Thereby, the plaintiff Mutt is the absolute owner of the suit schedule property . The plaintiff has not tenanted the suit schedule property in favour of any person. The schedule property is in personal cultivation of the plaintiff Mutt from the beginning. The plaintiff Mutt has been granted several properties in and around Hunsamaranahalli Village. Originally, Sy.No.11 was totally measuring 04 acres 22 guntas. The revenue entries have reflected the name of the plaintiff. In para No.7 the plaintiff has narrated regarding the manner in which the suit schedule property has been acquired through occupancy rights by the Mutt. The defendants No.1 to 6, without having any right, interest or title over the suit schedule property, have tried to interfere with possession of the plaintiff by putting up compound wall around the suit schedule property on 10-09-2024. After coming to know about the same, the plaintiff has objected the same and resisted the illegal activities of defendants No.1 to 6. At that time, the defendants No.1 to 6 have proclaimed that father-in-law of the defendant No.1 by



name Venkatarayappa has been granted with occupancy rights by the Land Tribunal, Devanahalli Taluk in LRF No.66/1974-75 dated 29-12-1980. The revenue entries have been standing in the name of the defendants No.7 and 8. After hearing the same, the plaintiff has rushed to the office of Tahalsidar, Yalahanka and applied for the revenue documents. The plaintiff noticed that the names of the defendants No.7 and 8 have been entered in the RTC based on MR No.37/2024-25. Immediately, the plaintiff has applied and obtained the mutation entries. The plaintiff has noticed that the Tahasildar has mutated the names of the defendants No.7 and 8 on the basis of the sale deed dated 23-08-2024. The plaintiff approached the Sub-Registrar and obtained certified copy of the sale deed. The sale deed came to be executed in respect of the suit schedule property. In the recitals of the sale deed it is mentioned that the names of the defendants No.1 to 6 have been mutated as per MR No. T. 145/2023-2024 as per the Order passed by the Assistant Commissioner Bengaluru North. After coming to know about the order passed by the Assistant Commissioner, the plaintiff has approached the revenue officials and obtained the entire order sheet, appeal



memo and final order passed in RA (YLK) 499/2024 dated 07-10-2024. On going through the documents, it appears that the father-in-law of the defendant No.1 by name Venkatarayappa has been granted with occupancy rights by Land Tribunal, Devanahalli Taluk in respect of suit schedule property in LRF No.66/1974-75 dated 29-12-1980. The defendants No.1 to 6 have approached the Assistant Commissioner to mutate their names in the revenue records on the basis of the said order. The defendants No.1 to 6 have made Tahasildar as respondent and obtained RTC in their names, without making the plaintiff as a party. On 04-12-2023, the defendants No.1 to 6 have filed an appeal before Assistant Commissioner and after obtaining the report, the matter was posted on 18-01-2024. The matter was adjourned on 14-02-2024 for appearance of parties. On 14-02-2024, the Assistant Commissioner has received the report from the Tahasildar and reserved the matter for orders. On 22-02-2024, the Assistant Commissioner has passed final order and directed the Tahasildar to enter the names of the defendants No.1 to 6 in the revenue records on the assumption that the Land Tribunal, Devanahalli has granted occupancy rights in favour of



father-in-law of defendant No.1 namely Venakatarayappa S/o Venakatarayappa. The Tahasildar has mutated the names of the defendants No.1 to 6 in the revenue records on the basis of the order of Assistant Commissioner. The defendants No.1 to 6 have applied for phodi. They executed registered sale deed dated 23-08-2024 in favour of defendant No.7 and 8. The defendants No.1 to 6 are the residents of Hunasamarahalli Village. They are not in possession and enjoyment of the suit schedule property. The father-in-law of defendant No.1 was not the tenant in respect of suit schedule property. He has not filed any application before Land Tribunal for grant of occupancy rights. There was no proceedings initiated by the Land Tribunal on the basis of alleged application filed by Venkatarayappa. The documents produced by the defendants No.1 to 6 before Assistant Commissioner are created and fabricated documents. The father-in-law of the defendant No.1, Venkatarayappa died on 09-04-1979. As on the date of the order of Land Tribunal Venkatarayappa was not alive. The Land Tribunal has allegedly taken up Form No.7 filed by Venkatarayappa on 05-09-1980. Venkatarayappa put his thumb impression on different dates. After coming to know about



creation and manipulation of documents, the plaintiff applied for certified copies and obtained Form No.7. It appears that Venkatarayappa has not filed any application as per Form No.7 before Land Tribunal. There are over writings in the registers. The Land Tribunal has passed order on 29-12-1980 and no efforts are made to enter the name of Venkatarayappa in the revenue records. The signatures are forged. The Special Tahasildar and Village Accountant of Hunasaramarahalli circle and revenue Inspector, Jala-3, Bagaluru circle are hand in glove with the defendants No.1 to 8 to create the land tribunal order and connected documents. The Special Tahasildar, Yalahanka Taluk and Deputy Tahasildar, Jala Hobli and concerned revenue inspector and village accountant by knowing fully well that there is no genuine order of Land Tribunal have filed false report before Assistant Commissioner and recommended for change of katha. All of them have colluded with each other to create the documents. The plaintiff Mutt is willing to file a complaint before the concerned. The defendants No.1 to 8 by colluding with the revenue officials have created the documents. They have followed some other orders passed by the Land Tribunal in



respect of the land pertaining to Hunasamarahalali Village. They have followed the proceedings of Land Tribunal in some other cases. Hence, prayed to decree the suit.

5. Heard both sides.
6. **The following points would arise for my consideration:**
 1. Whether the of defendants No.1 to 8 have made out grounds for rejection of plaint ?
 2. What order?
7. My findings on above points are as under:

Point No.1 : **In the Affirmative**

Point No.2 : **As per final Order for the following**

REASONS

8. **Point No.1:** The counsel for defendants No.1 to 8 have sought for rejection of plaint mainly on the following grounds :



- a. The suit is hopelessly barred by law as the civil court has no jurisdiction in respect of the proceedings before Land Tribunal and remedy available for the plaintiff is elsewhere as there is a clear bar under Section 132 and 133 of Land Reforms Act.

9. It is trite to mention here that while considering the application filed under Order VII Rule 11 of C.P.C. the court need to look into the plaint averments alone. It is also trite law that the averments of Written Statement are irrelevant while considering the issue of rejection of plaint. Therefore, the claim of defendants in seeking rejection of plaint has to be considered in the light of said settled law.

10. In view of the settled law position of law that only the plaint averments and the suit documents to be considered while deciding an application under Order 7 Rule 11 of C.P.C, I am inclined to go through the entire plaint averments. The suit is filed by the plaintiff Mutt for the relief of declaration that they are the absolute owners in possession and enjoyment of the suit



schedule property. It is further sought to declare that the alleged Sale Deed dated 23-08-2024 executed by defendants No.1 to 6 in respect of the suit schedule property in favour of defendants No.7 and 8 is null and void and not binding on the plaintiff and to direct to the Sub-Registrar, Gandhinagar to make necessary entry in the concerned register. The plaintiff has also sought for the relief of Permanent Injunction. On bare perusal of the prayer in the plaint it is clearly appearing that the plaintiff has not challenged the order of Land Tribunal and no relief is sought in respect of the same. Though, the plaintiff has claimed that the Land Tribunal has not passed any order, the certified copy issued by the competent authority regarding the order passed by Land Tribunal is on record. In para No.5 to 7 the plaintiff has narrated the manner in which the Mutt has acquired the suit schedule property. It is admitted fact that Sy.No.11 is totally measuring 04 acres 22 guntas by excluding 08 guntas of karab land. In para No.8 the plaintiff has clearly stated that the defendants tried to interfere in the suit schedule property on 10-09-2024. It is further alleged that after coming to know about the same the plaintiff acquired knowledge that the defendants No.1



to 6 by claiming that the suit schedule properties have been granted in favour of the father-in-law of defendant No.1 by name Venkatarayappa as per LRF 66/1974-75 vide order dated 29-12-1980 have entered their names in the revenue records. It is admitted that the revenue records have been standing in the names of defendants No.7 and 8 as per the registered sale deed dated 23-08-2024 executed by defendants No.1 to 6. It is also admitted that the names of the defendants No.1 to 6 have been entered in the revenue records as per MR No.T 145/2023-24. It is further admitted in para No.9 of the plaint that the Assistant Commissioner in RA (YLK) 499/2024 vide order dated 07-10-2024 directed the Tahasildar to enter the names of defendants No.1 to 6 after going through the Land Tribunal order. It is alleged that the plaintiff Mutt was not made as a party in the said proceedings. In para No.10 of the plaint it is clearly stated that on 14-02-2024 the Assistant Commissioner has received report from the Tahasildar and passed final order by directing the Tahasildar to enter the names of the defendants No.1 to 6 in the revenue records on the assumption that the Land Tribunal Devanahalli has granted occupancy rights in favour of the father-in-law of the



defendant No.1. The above admissions in para No.8 to 10 clearly show that there are Land Tribunal records to show that the suit schedule property has been granted in favour of Venkatarayappa S/o Venkatarayappa as per LRF 66/1974-75 vide order dated 29-12-1980. It is also admitted that the names of the defendants No.1 to 6 had been entered in the revenue records and thereafter on the basis of the Sale Deed dated 23-08-2024 the names of the defendants No.7 and 8 have been entered in the revenue records. It is further admitted that the Assistant Commissioner has called for report and finally passed order dated 22-02-2024 by directing the Tahasildar to enter the names of the defendants No.1 to 6 in the revenue records as per the Land Tribunal order. It prima faice shows that the Assistant Commissioner has verified the documents including the Land Tribunal order before directing the Tahasildar to enter the names of the defendants No.1 to 6. It is the finding of the Assistant Commissioner that the defendants No.1 to 6 are in possession of the suit schedule property. Therefore, the plaintiff has to place all the relevant documents to show that they are in possession



and enjoyment of the suit schedule property contrary to the revenue records in the names of defendants No.1 to 7.

11. On careful perusal of the para No.11 of the plaint, it is stated that the defendants No.1 to 6 are the residents of Hunasamarahaalli Village and they are not in possession and enjoyment of the suit schedule property. It is also alleged that Venakatarayappa was dead on 09-04-1979 and there was no occasion for him to be present before Land Tribunal on 29-12-1980. In para No.12 of the plaint it is alleged that Venakatarayappa has not filed any application in Form No.7. It is to be noted here that the documents relied upon by the plaintiff themselves show that the certified copies issued by the revenue department clearly indicate that Venakatarayappa has filed Form No.7 before the Land Tribunal and the occupancy right has been granted in favour of him. It is also forthcoming that the proceedings has taken place before the Land Tribunal and finally the occupancy rights have been confirmed in favour of Venakatarayappa. The order of Land Tribunal can not be challenged before this court. As per Section 132 and 133 of land



reforms Act there is a clear bar of jurisdiction of civil court in entertaining a suit by questioning the order of Land Tribunal . It is not the case of the plaintiff that the defendants have forged and created the certified copy of the order of Land Tribunal and created documents to enter their names in the revenue records. In para no.14 of the plaint it is clearly stated by the plaintiff that the Special Tahasildar, Village Accountant and Revenue Inspector concerned have colluded with defendants No.1 to 8 to create the Land Tribunal order and connected documents. It is also alleged that the above persons have filed false report before Assistant Commissioner and recommended for change of katha in respect of suit schedule property. However, no documents are placed on record to show that the plaintiff Mutt has taken any action against the above revenue officials. It is to be noted here that when such serious allegations have been made against the revenue officials the plaintiff should have made them as parties to the present suit. However, for the reasons best know to the plaintiff none of the above revenue officials have been made as parties. It is the clear case of the plaintiff that the Special Tahasildar, Village Accountant and Revenue Inspector concerned



are hand in glow with the defendants No.1 to 8 to create the Land Tribunal order and connected documents. However, the plaintiff has not made any attempt to take action against the said revenue officials before the appropriate forum and not even made them as parties to the suit. Therefore, I am of the considered opinion that when certified copy of the Land Tribunal order has been issued by the competent authority and the same has been placed before this court, unless it is established before this court that the revenue officials are responsible for creation of Land Tribunal order by making them as parties, the present suit in the present form is clearly barred by law. The learned counsel for the defendants No.1 to 8 has rightly contended that the suit is hopelessly barred by law. I am of the considered opinion that the suit is barred under the provision of Land Reforms Act, more particularly under Section 132 and 133 of the Act.

12. The plaintiff has further alleged in para No.15 of the plaint that the defendants No.1 to 8 in collusion with the above revenue officials have created the Government documents. It is not stated that how the defendants No.1 to 8 being private persons had access to the Government documents. The plaintiff, without



making the Government officials as parties to the present suit has made bald allegations against them. The documents relied upon by the plaintiff themselves clearly show that there is a Land Tribunal order standing in favour of Venkatarayappa. The Assistant Commissioner has verified the records and ordered for entering of names of defendants No.1 to 6 in the revenue documents. It prima facie appears that the Assistant Commissioner has held that there is a Land Tribunal order by granting occupancy right in favour of Venkatarayappa. It is clearly stated in para No.10 of the plaint that the Assistant Commissioner has received report from the Tahasildar and passed order dated 22-02-2024 in favour of defendants No.1 to 6. Therefore, rightly or wrongly there is an order by Land Tribunal. It is admitted fact that the revenue officials have issued certified copy of the Land Tribunal order, which has been placed on record by the plaintiff. Under such circumstances, the plaintiff has no right to seek for the relief of declaration by indirectly questioning the Land Tribunal order before this court.

13. The learned counsel for the defendant has relied upon the following decisions:



1) (2010) 3 Supreme Court Case 214

2) Judgment in MFA No. 190/2024

I have gone through the above decisions with due respect. In the first decision it is clearly held that there is bar of jurisdiction of civil court when issues being whether 1) suit land was agricultural land 2) One A claiming to be occupancy tenant was in possession - on the said issue, jurisdiction of civil court held was barred by Section 132 (2) and 133 (1) i of C.P.C. In para No.38 of the Judgment it is further observed that the question as to whether Annaiah Reddy was an occupancy tenant or not and whether Pilla Reddy had given his consent to such claim is in the domain of the Land Tribunal and it has been correctly held by the court below that the civil court had no jurisdiction to decide such question. If the said decision is applied to the present set of facts, in the present suit also the plaintiff is disputing that they have not given consent before Land Tribunal. It is also disputed that Venkatarayappa was not in possession of the suit schedule property as appearing in the Land Tribunal order. Therefore, the above decision is clearly applicable to the case on hand and the



jurisdiction of this court is barred. In the second decision it is held as follows:- " A perusal of the reliefs sought for in the suit, makes it clear that the suit was filed challenging the order passed by the land tribunal dated 15-01-1982. In view of the express bar contained in Section 132 f Karnataka Land Reforms Act, 1961, the civil court could not have gone into the correctness of the order of the land tribunal. Therefore, the plaintiffs were barking a wrong tree by filing the suit in the civil court challenging the order passed by the land tribunal. They ought to have challenged the order passed by the land tribunal in the manner known to law, which certainly was not by filing a suit for the civil court. Even otherwise, in the face of the order passed by the land tribunal and the form No.10 issued by the Tahasildar in respect of the suit property, the plaintiffs could not contend that they were in possession of the suit property and they were cultivating it. Therefore, there is no error committed by the trial court in refusing to grant an order of interim injunction". In view of the above decisions, I am of the considered opinion that it prima facie appears that the plaintiff has challenged the order of Land Tribunal in the guise of a suit for declaration of ownership and



this court has no jurisdiction to entertain the same. Further, when there is allegation against the revenue officials that they have colluded with the defendants No.1 to 8 to create Land Tribunal order and the connected documents, without making them as parties to the suit. The present suit is also barred under law. On consideration of the same, I am of the opinion that the defendants No.1 to 8 have made out ground to allow the application. **Hence, I answer Point No.1 in the Affirmative.**

14. Point No.2 : In view of the above findings, this court proceed to pass the following:

ORDER

I.A. No.V filed by the defendants No.1 to 8 under Order VII Rule 11 (d) of C.P.C is allowed.

Consequentially, the plaint is rejected.

No order as to cost.



Draw decree accordingly.

(Dictated to the Stenographer, transcribed and computerized by her, same is corrected and then pronounced by me in the open court on this the 06th Day of April, 2026).

Sd/-

(PRAVEEN NAYAK)

Prl. Senior Civil Judge & J.M.F.C.,
Devanahalli.