

KACM210008182020



**IN THE COURT OF THE I ADDL.CIVIL JUDGE & JMFC, AT
KADUR**

PRESENT:- SMT.AMRIN SULTANA B.A., LL.B.,

Addl. Civil Judge & JMFC, Kadur

Dated this 07th day of November 2024

O.S.NO.316/2020

PLAINTIFF

: Sri. Mohammed,
S/o Mohammed Usman,
Aged about 34 years, Agriculturist,
R/o Kallaprua Village, Kasaba Hobli,
Kadur Taluk, Chikmagalur District.

(Reptd. by Sri. Y.T.M. Advocate)

V/s-

DEFENDANTS

: Sri. Chethana S/o Kodappa Nanjundappa,
Aged about 29 years, Jim Work,
R/o Near Bannimara, Doddapete,
Kadur Town, Kasaba Hobli,
Kadur Taluk, Chikmagalore District.

(Reptd by Sri. M.N.)

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**I.A. No. II****APPLICANT/
DEFENDANT**

:

Sri. Chethana

-V/s-**OPPONENTS /
PLAINTIFFS/**

:

Sri. Mohammed

1.	Number of IA	I A No.II
2.	Provision of law	Under Sec.151 CPC
3.	Filed by	Defendant
4.	Date of filling	23.01.2024
5.	Date of filling of objections	16.03.2024
6.	Date of Order	07.11.2024

ORDERS ON I.A NO. II

Learned counsel for the defendant has filed IA No.2 Under Section 151 of C.P.C. praying this court to transfer the suit to Hon'ble Land Grabbing Special Court, Bangalore.

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2. In the affidavit, it is stated that, the suit schedule property belongs to the government and the plaintiff has filed this suit to the government land. The said matter comes under the jurisdiction of Hon'ble Land Grabbing Special Court. Hence, this court have no jurisdiction. Therefore, the defendant prays to transfer the suit to Hon'ble Land Grabbing Special Court, Bangalore.

3. On the other hand the learned counsel for plaintiff has filed statement of objection by reiterating the plaint averments and contended that, learned counsel for defendant partly cross examined PW.1, at this stage the application filed by the defendant is not maintainable as if is filed to drag on the proceedings. Hence, prayed to reject the IA No.2.

4. Heard argument of both learned counsels. Perused the materials available on record.

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5. On the basis of the pleadings, the following points arise for my consideration;

1. Whether the suit is triable by Hon'ble Land Grabbing Special Court?

2. What order?

6. Heard counsel appearing for the plaintiff. Perused the entire records and documents available and my findings on the above points are answered as follows:

Point No.1: In the Negative

**Point No.2: As per final order for
Following;**

REASONS

7. **Point No.1:-** The suit schedule property is situated at Malleshwara Village, Kasaba Hobli, Kadur Taluk, which is falling

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beyond 3 k.m. from Town Municipal Counsel Limited. As per 2022 amendment to the Karnataka Land Grabbing Prohibition Act reads as hereunder:

2. Amendment of Section 2:- In section 2 of the Karnataka Land Grabbing Prohibition Act, 2011 (Karnataka Act 38 of 2014), in clause (d), for sub-clause (i), the following shall be substituted, namely:-

“(i) Land falling in all urban areas of the State and also land falling within 18 kms from the Bruhat Bengaluru Mahanagara Palike Limits, land falling within 10 kms from the city limits notified under the provisions of the Karnataka Municipal Corporations Act, 1976, land falling within 5 kms from the City Municipal Counsel limits, land falling

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within 3 kms from the Town Municipal Council limits and Town Panchayat limits belonging to the Government, Wakf or the Hindu Religious Institutions and Charitable Endowments, a local authority, a statutory or non-statutory body owned, controlled or managed by the Government:

Provided that, excluding the land specified above in all other areas the cases pending related to land grabbing shall stand abated forthwith.”

Therefore, as the property comes beyond the radiance of 3 k.m. from T.M.C. Kadur. The Land Grabbing Special Court have no jurisdiction. Hence, I answered **Point No.1 in the Negative.**

8. Point No.2: For the aforesaid discussion on Point No.1, this Court proceeds to pass the following:

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ORDER

**I.A. No.IX filed by the Applicant
Under Sec.151 of C.P.C. is hereby rejected
with cost of Rs.500/-**

No order as to cost.

(Order dictated to the stenographer on computer typed by her, revised, corrected & then pronounced by me in open court on this the 07th day of November 2024)

**Sd/-
(SMT. AMRIN SULTANA),
1ST ADDL. CIVIL JUDGE & J.M.F.C.,
KADUR.**

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