

# **IN THE COURT OF CIVIL JUDGE, BELUR.**

**: PRESENT:**

**Sri.C. Nagesha, B.A.L.,LL.B**  
**Civil Judge, Belur.**

**: Dated this the 6<sup>th</sup> day of January, 2018:**

**: O.S.No.100/2012:**

**PLAINTIFF** : **Y.M. Tribhuvan Sathwik S/o**  
**Y.N. Malleshgowda,**  
**25 years,**  
**Represented by G.P.A Holder**  
**T.N. Nanjegowda,**  
**Aged about 59 years, Lingapura Village,**  
**Arehalli Hobli, Belur Taluk.**

**/Vs./**

**DEFENDANTS** : **1) Chief Secretary, Government of**  
**Karnataka, Revenue Department,**  
**M.S. Building, Bangalore.**  
**2) Deputy Commissioner, Hassan District,**  
**3) The Thasildar, Belur Taluk, Belur.**  
**Hassan.**

**:ORDERS ON I.A.NO. IX:**

**DEFENDANTS** : **Chief Secretary, Government of Karnataka**  
**and Others**  
**/Vs./**

**PLAINTIFF** : **Y.M. Tribhuvan Sathwik**

**:ORDERS ON I.A.NO. IX:**

The present application is filed by learned AGP on behalf of defendants under Sec.20 of Karnataka Land Grabbing Prohibition Act 2011, seeking transfer of this case from this court to Special Court constitution under Sec.7 of said act. Along with the application learned AGP filed memorandum of facts contended that, the present plaintiff has filed this suit against the defendants being Government Authorities for the relief of permanent prohibitory injunction in respect of land bearing Sy.No.01 of Lingapura Village, Arehalli Hobli, Belur Taluk measuring 18 guntas out of 38 guntas. As

per the plaint averments the plaintiff has been in possession of the Government land **belongs to Government more than 70 years**. In order to protect the Government properties, the State Government has enforced the act called as Karnataka Land Grabbing Prohibition Act 2011. As per the aforesaid act all the suits pertaining to the Government land should be transferred to the Special Court constitution under Sec.7 of the said act. Hence, the learned AGP has request to court to transfer this case to the Special Court.

2. On the other hand, the plaintiff has filed detailed objection and contended that, before coming into force of the aforesaid act this suit is filed. Therefore, the said act is not applicable to the present case on hand. Further, the plaintiff has contended that till today the Government Authorities have not taken any action to get the possession from the plaintiff. Hence, present application is not maintainable. Accordingly, this acts to dismiss the said I.A.No.9.

3. Heard the arguments.

4. Considering the contentions as taken by both sides, the following points would arise for my determination:

1. Whether the application filed by the applicant under Sec.20 of Karnataka Land Grabbing Prohibitory Act 2011 is deserved to be allowed?

2. What Order ?

5. My findings to the above points are:-

POINT NO:1 : In the **Affirmative**

POINT NO:2 : As per final order  
for the following:

:REASONS:

POINT NO.1:-

6. This is a suit filed by the plaintiff against the defendants for the relief of permanent prohibitory injunction in respect of Government land belongs to Government, situated at [Lingapura Village in](#) bearing Sy.No.01 measuring measuring [18 guntas out of 38 guntas](#). As per the contention of the plaintiff, he is in possession of the suit schedule property more than [31 years by cultivation of Coffee Estate](#). Therefore, the suit schedule property is Government property. As per the enforcement of aforesaid act all the suits pending before the Civil Courts should be transferred to the Special Court constituted under Sec.7 of the act. The learned counsel for the plaintiff contended that, before the commencing of aforesaid act this suit is filed. Therefore, the said act is not applicable to the present on hand at this juncture it is relevant to re-produce Sec.20 of the act.

*Transfer of pending cases: Any case pending before any court or other authority immediately before the constitution of Special Court, as would have been within the jurisdiction of such Special Court, shall stand transferred to the Special Court as if the cause of action on which such suit or proceeding is based had arisen after the constitution of the Special Court.*

7. As per the aforesaid section any case pending before any court or other authority immediately of Special Court has would have been within the jurisdiction of such Special Court, shall as been transfer to the Special Court has if the cause of action on which such suit or proceeding is based hand arisen after the constitution of the Special court. Further, as per the Sec.7 of the said act deals with the constitutions of the Special Court and Sec.9 deals with the procedure and powers of Specials Court. Further, Sec.16 states that the aforesaid act is over ridding effect to other laws. On the basis of aforesaid act the prosecution department has issued a circular dated 20.06.2017 directing the learned AGP to file applications. Accordingly, in view of the aforesaid circular the present application is filed by the learned AGP seeking transfer of present case from this court to Special Court. Hence, I am of the opinion that, admittedly, the suit schedule property is Government

land. Therefore, the Special Court is having jurisdiction to try the suit, in view of the constitution of Special Court as per the Sec.7 of the Act. Hence, application filed by the learned AGP is deserve to be allowed. Accordingly I answered point No.1 in the affirmative.

POINT NO.2:-

8. In view of the detailed discussions made supra, this court proceed to pass the following:

**:ORDER:**

The application filed by the learned AGP under Sec.20 of Karnataka Land Grabbing Prohibitory Act 2011, is hereby allowed.

The present suit is ordered to be transfer from this court to Special Court constituted under Sec.7 of the Act.

(Dictated to the Stenographer, transcribed by her, corrected and revised by me and then pronounced in the open Court on this the 6<sup>th</sup> day of January 2018.)

(C.Nagesha)  
Civil Judge :Belur.

( Order pronounced in the open court  
vide separate )

O R D E R

The application filed by the learned AGP under Sec.20 of Karnataka Land Grabbing Prohibitory Act 2011, is hereby allowed.

The present suit is ordered to be transfer from this court to Special Court constituted under Sec.7 of the Act.

( Nagesha.C)  
Civil judge & JMFC  
Belur.

