



**IN THE COURT OF THE PRL. CIVIL JUDGE AND JMFC.,
VIRAJPET.**

DATED: THIS THE 10th DAY OF JULY 2026

Present: Sri. Vishwanath A., B.B.A., L.L.B.
Prl. Civil Judge & JMFC.,
Virajpet.

ORIGINAL SUIT No:40/2021

BETWEEN :

N.K.Abdul Rehaman,
Aged about 57 years,
S/o Kunhi Mohammad,
R/o Arji Village,
Virajpet Taluk,
Kodagu District.

.....Plaintiff

(By Sri.C.K.Poovanna, Adv.,)

AND :

1. Smt. Rosy,
Aged about 58 years,
W/o Not Known.

2. Sri.Kumar,
Aged about 37 years,
S/o Smt. Rosy,

Both of them are
R/o Mysore Road,
Siddapura-571253,
Kodagu District.

....Defendants

(By Sri.B.S.Pushparaj, Adv.,)

ORDERS ON PRELIMINARY ISSUES

The plaintiff has filed the present suit for eviction of defendants from the suit schedule property. On service of summons, the defendant No.1 and 2 appeared before the court. Defendant No.1 filed the written statement wherein among other defense, the



defendant No.1 specifically contended that this court has no jurisdiction to determine this suit as the suit is hit by section 132 and 133 of the Karnataka Land Reforms Act.

2. On basis of the pleadings of respective parties, this Court framed the issues on 08.02.2022, among which the issue No.4 and 5 are treated as preliminary issues vide order dated: 03.02.2025. The said preliminary issues reads as follows:-

Issue No.4 : Whether the defendant's prove that this court not having jurisdiction to try this suit?

Issue No.5 : Whether the defendant's prove that this suit is hit by section 132 and 133 of Karnataka Land Reforms Act?

3. In an enquiry on the preliminary issues, both side counsels have submitted their respective arguments.

4. This court having heard the arguments addressed by the respective counsels, perused the entire materials on record. The answers of this Court on the above Preliminary Issues/Issue No.4 and 5 are in **Negative** for the following:

REASONS

5. Preliminary Issues/Issue No.4 and 5: Since these issues are interlinked to each other and requires common appreciation of materials on record, they are taken for common discussion.



The specific defence taken up by the defendant No.1 is that the above suit is not maintainable in view of Sections 132 and 134 of Karnataka Land Reforms Act. Therefore, it is germane here to refer Section 132 and 134 of Karnataka Land Reforms Act which reads as under:

"132. Bar of jurisdiction — (1) No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Deputy Commissioner, an officer authorised under sub-section (1) of section 77, the Assistant Commissioner, the prescribed authority under section 83, the Tribunal, the Tahsildar, the Karnataka Appellate Tribunal or the State Government in exercise of their powers of control.

(2) No order of the Deputy Commissioner, an officer authorised under subsection (1) of section 77, the Assistant Commissioner, the prescribed authority under section 83, the Tribunal, the Tahsildar, the Karnataka Appellate Tribunal or the State Government made under this Act shall be questioned in any civil or criminal court.

133. Suits, proceedings, etc., involving questions required to be decided by the Tribunal.—(1) Notwithstanding anything in any law for the time being in force,—

(i) no Civil or Criminal Court or officer or Authority shall, in any suit, case or proceedings concerning a land, decide the question whether such land is or is not agricultural land and whether the person claiming to be in possession is or is not a tenant of the said land from prior to 1st March 1974;

(ii) such Court or officer or Authority shall stay such suit or proceedings in so far as such question is concerned and refer the same to the Tribunal for decision;

(iii) all interim orders issued or made by such Court, officer or Authority, whether in the nature of temporary injunction or appointment of a Receiver or otherwise, concerning the land shall stand dissolved or vacated, as the case may be;



(iv) the Tribunal shall decide the question referred to it under clause (i) and communicate its decision to such Court, officer or Authority. The decision of the Tribunal shall be final.

(2) Nothing in sub-section (1) shall preclude the Civil or Criminal Court or the officer or authority from proceeding with the suit, case or proceedings in respect of any matter other than that referred to in that sub-section."

(Emphasis added)

6. On careful reading of the above provisions of law, it can be understood that the civil court's jurisdiction is barred under Section 132 with respect to the matters under the Karnataka Land Reforms Act to be adjudicated by the Deputy Commissioner, an officer authorized under sub-section (1) of section 77, the Assistant Commissioner, the prescribed authority under section 83, the Tribunal, the Tahsildar, the Karnataka Appellate Tribunal or the State Government. Further, the bar on civil court's jurisdiction under Section 133 of the Act is in deciding the question whether the land is or is not agricultural land and whether the person claiming to be in possession is or is not a tenant of the said land from prior to 1st March 1974. Herein the case, no doubt the suit schedule property is described to be plantation land which does fall within the ambit of the term "Land" defined under Section 2(18) of the Karnataka Land Reforms Act. But none among the parties have contended about tenancy of suit property from prior to 1st March 1974.

7. The authorities named in Section 132 are empowered to deal with the questions provided under the Karnataka Land Reforms Act. None among those questions are involved in the present suit. Though the plaintiff asserts about continuation of defendants possession over the suit property as tenants, but in para-No.6 of the



plaint, plaintiff specifically arrests that the defendants are in permissive possession of the suit property. Irrespective of whether the defendants are described as tenants or permissive occupiers, the alleged possession is not stated to be prior to 1st March 1974. The defendant No.1 who plead about bar under Section 132 and 133 of the Karnataka Land Reforms Act, herself contends that there exist no landlord and tenant relationship between her and the plaintiff. It is not the case of defendants that they are tenants within the meaning of the Karnataka Land Reforms Act having benefit of the said legislation.

8. It is worth mentioning here that Section 5 of the Karnataka Land Reforms Act does not recognize the lease created or granted with respect to the lands defined under Section 2(18) except as provided under section 5(2). A lease created after commencement of the Act cannot confer statutory tenancy under the Act. Herein the case, the plaintiff contends to have purchased the suit property in the year 2014. Even assuming the defendants were put to possession under a lease in 2014, such tenancy is not the one contemplated by Section 133 which is confined to claims of tenancy existing prior to 1st March 1974. Hence no referable issue arises and this court retains jurisdiction to try the above suit. Accordingly, the above suit for possession is maintainable before this Court, and the bar under Sections 132 and 133 of the Karnataka Land Reforms Act is not attracted in the present case. Hence, preliminary issues/issue No.4 and 5 are answered in '**Negative**'.

9. For the forgoing reasons, this court is of view to pass the following:



ORDER

While answering the Preliminary Issues/Issue No.4 and 5 in Negative, it is order that the above suit is maintainable and not hit by Sections 132 and 133 of the Karnataka Land Reforms Act.

For plaintiff evidence by:11.08.2026.

*(Dictated to the Stenographer, directly typed by her on computer, corrected and then pronounced by me in the open court on this the **10th day of JULY 2026, at Virajpet.**)*

(Vishwanath A.)
Prl. Civil Judge & JMFC.,
Virajpet.

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