

R. RAVINDRA REDDY AND ORS.

v.

H. RAMAIAH REDDY AND ORS.

(Special Leave Petition (Civil) No. 6286 of 2009)

FEBRUARY 17, 2010

[ALTAMAS KABIR AND CYRIAC JOSEPH, JJ.]

Limitation: Cause of action – Land Tribunal granted occupancy rights in respect of suit properties in 1975 – Suit filed in 2005 challenging the order granting occupancy rights – Held: Suit is barred by limitation as records show that father of plaintiffs had knowledge of grant of occupancy rights – Land Reforms.

Karnataka Land Reforms Act, 1961: s.132 – Question regarding occupancy rights – Jurisdiction of civil court – Held: Civil Court does not have jurisdiction to decide such a question – Such question is in the domain of Land Tribunal – Land Reforms – Jurisdiction.

On death of 'DAR', his son, 'PR' and grandson 'HRR', the respondent no.1 succeeded to his estate. They both constituted a joint family in respect of the ancestral properties and were in joint possession of the properties. In 1972, there was a partition of properties between 'PR' and his son 'HRR'. One 'AR' was an attesting witness to the registered partition deed. The said 'AR' filed an application in 1974 under Section 48 of the Karnataka Land 'Reforms Act, 1961, claiming occupancy rights in respect of suit lands on the ground that he had been cultivating the suit lands. 'PR' was impleaded as a party, but, 'HRR' was not made party although the properties were joint properties. On 11th December, 1975, the occupancy rights were recorded in the name of 'AR'. The order stated that 'PR' had agreed to the claim of

A occupancy rights of 'AR'. This order was never challenged by 'PR' as having been obtained by fraudulent means.

B In 1986 after death of 'PR', his second wife filed partition suit. A compromise was entered between the parties and matter was disposed of in the year 2004. Meanwhile, in 1996, 'AR' sold some of the lands in favour of respondent no.2 to 5. In 2005, respondent no.2 to 5 tried to disturb the possession of sons of 'HRR', the petitioners. The petitioners filed suit for declaration that they were coparceners of undivided Hindu Joint Family of 'DAR'. They also prayed for declaration that order dated 11th December, 1975 passed by Land Tribunal was illegal and not binding on them and their inheritance right and title to the properties.

D Trial Court held that the suit was barred by limitation and was also not maintainable in view of the bar of Section 132(2) of the Karnataka Land Reforms Act, 1961. High Court upheld the decision of the trial court.

E In Special Leave Petition, petitioners contended that the suit was within the limitation period and that they had no knowledge nor consent of occupancy rights granted by the Land Tribunal; and that since the proceedings before the Land Tribunal were vitiated by fraud and collusion, the bar under Section 132(2) of 1961 Act would not apply to the facts of the case.

Dismissing the Special Leave Petition, the Court

G HELD: 1. The order of Land Tribunal was passed on 11th December, 1975, whereas the suit was filed by the Petitioners in 2005 seeking declaration, partition and permanent injunction in respect of the properties which were the subject matter of the order of the Tribunal. The Trial Court, as well as the High Court, had dealt with the

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aspect of limitation and had found that it was on record that notice of the proceedings before the Land Tribunal was given in the village in respect of the application filed by 'AR'. It was also on record that the father of the petitioners was quite aware of the orders of the Land Tribunal since in an earlier suit, he had taken a specific stand that one of the suit properties, was a tenanted property, and that the Land Tribunal had conferred occupancy rights in favour of 'AR'. The High Court observed that inspite of the same, father of the petitioners did not question the correctness of the order of the Tribunal. It was on that basis that the courts below held that the petitioners had knowledge of the concession made by 'PR' in favour of 'AR' and negated their contention that they were not aware of the same till they signed the compromise petition. Therefore, the cause of action for the suit cannot be said to have arisen only in 2004-05 when the respondent Nos.2 to 5 purportedly attempted to disturb the possession of the petitioners. [Paras 27 and 28] [956-C-H; 957-A-C]

2.1. Regarding the second issue, although ouster of jurisdiction of the Courts is not to be readily inferred, it is quite clear from the provisions of Sections 132(2) and 133(1)(i) of the Karnataka Land Reforms Act, 1961 that the jurisdiction of the Civil Court in matters to be decided by the Tribunal, and to question a decision of the Tribunal stands ousted by Section 132 of the 1961 Act. [Para 29] [957-D]

Saraswati & Ors. V. Lachanna (1994) 1 SCC 611; Shiv Kumar Chadha v. Municipal Corporation of Delhi & Ors. (1993) 3 SCC 161; Swamy Atmananda & Ors. v. Sri Ramakrishna Tapovanam & Ors. (2005) 10 SCC 51; Sudhir G. Angur & Ors. v. M. Sanjeev & Ors. 2006 (1) SCC 141; Jatinder Singh & Anr. v. Mehar Singh & Ors. AIR 2009 SC 354; Balawwa & Anr. v. Hasanabi & Ors. (2000) 9 SCC 272;

A *K.D. Sharma v. Steel Authority of India Ltd.* (2008) 12 SCC 481; *Mudakappa v. Rudrappa* AIR 1994 SC 1190 – referred to.

B 2.2. The jurisdiction of the Civil or Criminal Court or Officer or Authority stood ousted in matters where a decision had to be taken as to whether the land in question was agricultural land or not and whether the person claiming to be in possession is or is not a tenant of the said land from prior to 1st April, 1974. In the instant case, the question as to whether 'AR' was an occupancy tenant or not and whether 'PR' had given his consent to such claim is in the domain of the Land Tribunal and it has been correctly held by the Courts below that the Civil Court had no jurisdiction to decide such a question. As far as fraud is concerned, it is no doubt true, that fraud vitiates all actions taken pursuant thereto. However, in the instant case, there is nothing to suggest that 'AR' committed any fraud on 'PR', who willingly accepted the claim of 'AR' to occupancy rights over the land in question. In that view of the matter, there is no reason to interfere with the judgment and order of the High Court. [Paras 30, 31 and 32] [958-E-H; 959-A-B]

Case law reference:

F	(1994) 1 SCC 611	referred to	Para 11
	(1993) 3 SCC 161	referred to	Para 12
	(2005) 10 SCC 51	referred to	Para 13
	2006 (1) SCC 141	referred to	Para 14
G	AIR 2009 SC 354	referred to	Para 15
	(2000) 9 SCC 272	referred to	Para 16
	(2008) 12 SCC 481	referred to	Para 22

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AIR 1994 SC 1190 referred to **Para 23** A

CIVIL APPELLATE JURISDICTION : SLP (Civil) No. 6286
of 2009.

From the Judgment & Order dated 19.12.2008 of the High
Court of Karnataka, Bangalore in RFA No. 845 of 2006 (PAR). B

Raju Ramchandran, S.S. Padmaraj, Shankar Divate for
the Petitioners.

Kailash Vasudev, Girish Ananthamurthy, Imran Pasha,
Vaijyanthi Girish for the Respondents. C

The Judgment of the Court was delivered by

ALTAMAS KABIR, J. 1. One Dodda Appanna Reddy
owned vast properties in Halasahalli Thippasandra Village,
Sarjapura Hobli, Anekal Taluk, Bangalore Urban District. He
died in 1968 leaving behind his only son, Pilla Reddy, and
grandson, H. Ramaiah Reddy, the Respondent No.1 herein, to
succeed to his estate. The petitioners herein are the sons of
H. Ramaiah Reddy. D
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2. After Appanna Reddy's death Pilla Reddy and H.
Ramaiah Reddy constituted a joint family in respect of the
ancestral properties and were in joint possession and
enjoyment of the various properties, including the suit schedule
properties. F

3. In 1972, there was a partition of the properties between
Pilla Reddy and his son, H. Ramaiah Reddy, in respect of the
joint family and ancestral properties. One Annaiah Reddy, a
professional document writer at the Sub-Registrar's office at
Anekal Taluk, was an attesting witness to the registered partition
deed. Pilla Reddy executed two Wills, both scribed by Annaiah
Reddy, in 1972 and in 1979. The said Annaiah Reddy filed an
application on 30th December, 1974, for grant of tenancy rights
in respect of the suit schedule lands under Section 48 of the G
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- A Karnataka Land Reforms Act, 1961, hereinafter referred to as
"the 1961 Act", claiming occupancy rights on the ground that
he had been cultivating the suit lands. Only Pilla Reddy was
impleaded as a party to the proceedings, although, the
properties were said to be ancestral properties. It appears that
B on 11th December, 1975, the tenancy rights of the lands in
question were recorded in the name of Annaiah Reddy.

4. In 1986, one Sunkamma claiming to be the second wife
of Pilla Reddy, filed a partition suit after the death of Pilla Reddy,
seeking partition and separate possession of his various
C properties. In 1996, Annaiah Reddy sold some of the lands in
favour of Respondent Nos.2 to 5 herein and as contended by
the petitioners, they had no knowledge of the grant of occupancy
rights in favour of Annaiah Reddy. The said matter ultimately
reached this Court by way of Civil Appeal No.1348 of 2001
D preferred by H. Ramaiah Reddy. During the pendency of the
said appeal, H. Ramaiah Reddy and Sunkamma entered into
a compromise which was recorded and the appeal was
disposed of by an order dated 26th October, 2004. Inasmuch
as, the Respondent Nos.2 to 5 tried to disturb the possession
E of the petitioners on the strength of their purported purchase
of the suit lands from Annaiah Reddy, the petitioners filed the
above-mentioned suit, being No.1457/2005, in the Court of the
Principal Civil Judge (Senior Division), Bangalore Rural District
at Bangalore, *inter alia*, for a declaration that they were
F coparceners of the undivided Hindu Joint Family of late Dodda
Appanna Reddy and for partition of the scheduled properties
by metes and bounds and to put the plaintiffs in separate
possession of their legitimate 1/4th share each in the schedule
properties. They also prayed for a declaration that the order
G dated 11th December, 1975, passed by the Land Tribunal,
Anekal Taluk, was illegal and not binding on the plaintiffs and
their inheritance right and title to the schedule properties. A
further declaration was sought for that the sale deeds executed
by Annaiah Reddy in favour of the Defendant Nos.2 to 4 were
H illegal and not binding on the petitioners. Along with the said

relief, the petitioners also prayed for a mandatory injunction to direct the Tahsildar, Anekal Taluk, to effect the mutation and revenue entries in respect of the schedule properties in the joint names of the petitioners and the first defendant. Consequential reliefs were also prayed for. A

5. In the said suit, the petitioners prayed for granting ad-interim injunction against the respondents, for the purpose of deciding the suit. The Trial Court formulated 11 issues and one additional issue. Of the said 12 issues, the 6th issue was 'Whether the suit was barred by limitation?' and the additional issue was 'Whether the suit was maintainable in view of Section 132(2) of the Karnataka Land Reforms Act?'. B C

6. The Trial Court decided to hear the said two issues as preliminary issues. After hearing the parties, the Trial Court answered issue No.6 in the affirmative and additional issue No.1 in the negative and held that the suit was barred by limitation and was also not maintainable in view of the bar of Section 132(2) of the Karnataka Land Reforms Act, 1961. In view of its said findings, the Trial Court dismissed the plaintiff's suit. Aggrieved by the said judgment and decree of the Trial Court, the petitioners preferred the Regular First Appeal No.845 of 2006 (PAR) before the Karnataka High Court at Bangalore. The High Court also dismissed the appeal endorsing the view taken by the Trial Court that the petitioners' suit was clearly barred by limitation and also by virtue of Section 132(2) of the 1961 Act and that Civil Court had no jurisdiction to entertain and try the same. D E F

7. It is against the said judgment and order of the Karnataka High Court in RFA No.845/2006 (PAR) that the instant appeal has been filed. G

8. On behalf of the petitioners it was urged by Mr. Raju Ramchandran, learned Senior Advocate, that since the petitioners were third parties to the proceedings before the Land Tribunal, the order passed therein did not bind them and H

A they were separately entitled to file the suit for partition
 notwithstanding the orders of the Land Tribunal. It was also
 submitted that since the proceedings before the Land Tribunal
 were vitiated by fraud and collusion, the bar under Section
 132(2) of the 1961 Act would not apply to the facts of the instant
 B case and as such the Trial Court was not justified in holding
 that the suit was barred under the said provisions. According
 to the petitioners, since the suit had been brought within a
 period of 3 years from the date of knowledge of the order of
 the Land Tribunal and the sale transaction, it was not barred
 C by limitation and the Trial Court erred in dismissing the same
 on the ground of limitation.

9. Elaborating on his submissions, Mr. Ramchandran
 submitted that in order to be recognized and recorded as an
 occupant under Section 45 of the 1961 Act, the person
 D concerned would be entitled to make an application to the
 Tribunal constituted under Section 48 of the Act and every such
 application would have to be made before the expiry of the
 period of 6 months from the date of commencement of Section
 (1) of the Karnataka Land Reforms (Amendment) Act, 1978.
 E Mr. Ramchandran contended that the inquiry by the Tribunal
 contemplated under Section 48-A(5) had necessarily to be
 confined to the determination of the claim of tenancy of the
 applicant and in the event such a question arose during the
 pendency of a civil or criminal proceeding, no civil or criminal
 F Court or officer would be entitled to decide the question whether
 such land was agricultural land or not and whether the person
 claiming to be in possession is or is not the tenant of the suit
 land from prior to 1st March, 1974, in view of Section 133(1)(i)
 of the aforesaid Act.

G 10. Reference was also made to Rule 17 of the Karnataka
 Land Reforms Rules, 1977 (hereinafter referred to as the '1974
 Rules') which prescribes the procedure to be followed by the
 Tribunal in respect of a summary inquiry under Section 34 of
 the 1961 Act. It was urged that since the procedure was
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summary in nature, questions relating to fraud or the validity of A
a concession made by the petitioners' grand-father could only
be gone into by a Civil Court and not in the summary
proceedings before the Tribunal. Mr. Ramchandran submitted
that it would be evident from the frame of the suit that no such B
question, as contemplated under Section 48-A, was involved
in the suit which was essentially one for declaration that the
petitioners were coparceners of the undivided Hindu Joint
Family of late Dodda Appanna Reddy and partition of the
scheduled property by metes and bounds and to put the plaintiff C
in separate possession of their legitimate 1/4th share each in
the scheduled properties. A further prayer was made to declare
that the order dated 11th December, 1975, passed by the Land
Tribunal, Anekal Taluk, in Case No.LRF/A.T.C./154/75-76, was
illegal and not binding on the petitioners and did not affect their
inheritance rights and title to the scheduled properties. A further D
declaration was sought that the sale deeds executed by Late
Annaiah Reddy in favour of the defendant Nos.2 to 4 was a
sham transaction and not binding on the petitioners. Mr.
Ramchandran submitted that the Tribunal was not competent
to determine the said questions which could only be decided E
by the Civil Court.

11. In support of his aforesaid submissions, Mr.
Ramchandran firstly referred to the decision of this Court in
Saraswati & Ors. vs. Lachanna [(1994) 1 SCC 611], in which F
a similar provision in the A.P. (Telangana Area) Tenancy and
Agricultural Lands Act, 1950, where the Civil Court's jurisdiction
had been barred, fell for consideration and it was held that a
suit relating to redemption of usufructuary mortgage filed in the
Civil Court was not barred and was maintainable, having regard G
to the provisions of Section 9 of the Code of Civil Procedure.
This Court held that bar on the power of the Civil Court to
entertain a suit could not be inferred with, where the statute did
not create a right or after creating a right did not provide a forum
for adjudication of any dispute arising out of such right.

A 12. Mr. Ramchandran also referred to the decision of this
 Court in the case of *Shiv Kumar Chadha vs. Municipal
 Corporation of Delhi & Ors.* [(1993) 3 SCC 161], where the
 same principle was reiterated and it was held that the Court's
 jurisdiction to go into the question as to whether the order was
 B a nullity being vitiated by jurisdictional error was not barred.

13. Reference was also made to the decision of this Court
 in the case of *Swamy Atmananda & Ors. vs. Sri Ramakrishna
 Tapovanam & Ors.* [(2005) 10 SCC 51], where a dispute over
 C title under the Tamil Nadu Recognised Private Schools
 (Regulation) Act, 1973, was claimed to be barred under
 Section 53 of the Act. This Court held that such a dispute was
 not one that was required to be decided under the provisions
 of the aforesaid Act, and, accordingly, the jurisdiction of the Civil
 D Court in terms of Section 9 of the Civil Procedure was not
 excluded. It was emphasized that the ouster of the Civil Court's
 jurisdiction was not to be readily inferred.

14. Mr. Ramchandran lastly referred to the decision of this
 Court in *Sudhir G. Angur & Ors. vs. M. Sanjeev & Ors.* [2006
 E (1) SCC 141], wherein, while considering the provisions of the
 Mysore Religious and Charitable Institutions Act, 1927, this
 Court held that the jurisdiction of the Civil Court in regard to
 matters containing serious allegations of forgery, fraud and
 diversion of trust properties, could not be inquired into in a
 F summary manner and could only be gone into by a Court.

15. On the question of limitation, Mr. Ramchandran
 submitted that the High Court erred in deciding the question of
 limitation without considering the fraudulent nature of the
 consent said to have been given by Pilla Reddy, although, he
 G had no independent right or title over the property to give
 consent for granting occupancy rights in favour of Annaiah
 Reddy. Mr. Ramchandran submitted that the High Court erred
 in holding that the suit was barred by limitation without taking
 evidence in that regard. In support of his aforesaid submission,
 H Mr. Ramchandran referred to the decision of this Court in

Jatinder Singh & Anr. vs. Mehar Singh & Ors. [AIR 2009 SC 354], in which this Court set aside the decision of the High Court for having failed to take notice of an application filed by the Appellant therein under Order 41 Rule 27 CPC while deciding the second appeal. This Court held that when such an application was pending, it was the duty of the High Court to deal with the same on merits and not having been done so, there was no other alternative, but to set aside the judgment of the High Court and to remit the appeal for a fresh decision in the second appeal after taking into consideration the application under Order 41 Rule 27 CPC.

16. In the same context, reference was also made to a subsequent decision of this Court in *Balawwa & Anr. vs. Hasanabi & Ors.* [(2000) 9 SCC 272], in which the question of ouster of the Civil Court's jurisdiction fell for consideration in view of the Karnataka Land Reforms Act, 1961. This Court held that the jurisdiction of the Civil Court is ousted only in respect of such reliefs as could be granted by the Special Tribunal under the Special Statute but in other respects the jurisdiction of the Civil Court was not ousted.

17. Mr. Ramchandran submitted that the preliminary issue relating to the bar of jurisdiction of the Civil Court, as envisaged under Section 133 (2) of the 1961 Act, could not have been decided without taking evidence as to the character of the lands in question. Mr. Ramchandran submitted that the order of the High Court was not capable of being entertained and was liable to be set aside.

18. On the other hand, appearing for the Respondent No.1, Mr. Kailash Vasudev, learned Senior Advocate, pointed out from the plaint of OS No.1457 of 2005, filed by R. Ravindra Reddy in the Court of Principal Civil Judge (Senior Division), Bangalore Rural District, Bangalore, that a fraud had been perpetrated by the said Annaiah Reddy only to deprive the plaintiffs of their right and share in the scheduled properties. Mr. Vasudev pointed out that in the same breath it had also

- A been admitted that Pilla Reddy had conceded grant of tenancy rights in favour of late Annaiah Reddy, though without knowledge and consent of the plaintiffs. Mr. Vasudev submitted that the question of obtaining the consent of the plaintiffs by their grandfather, Pilla Reddy, for grant of tenancy rights in favour of
- B Annaiah Reddy, did not arise since he was holding the tenancy rights in respect of the said land.

19. Mr. Vasudev also referred to paragraph 16 of the plaint where it was stated that the cause of action for the suit arose in January 2005 as the plaintiffs/respondents were continuously
- C demanding partition and separate possession of their share in the scheduled properties and the petitioners herein failed to effect partition, but the other respondents were continuing to make attempts to trespass/interfere with and to disturb the Respondent No.1's possession and enjoyment of the
- D scheduled properties.

20. Mr. Vasudev then brought to our notice the proceedings before the Land Tribunal, Bangalore District, Anekal Taluk, in Case No.LRF/A.T.C./154/ 75-76 dated 11th
- E December, 1975, in which the Petitioner was shown as M. Annaiah Reddy and H. Pilla Reddy was shown as the Respondent. In the proceedings under Section 48-A of the 1961 Act, the application filed by M. Annaiah Reddy was disposed of by the following order :-

- F "All the above mentioned Sy. Nos. lands are situated at Halasahalli Thippasasndra Village, Sarjapura Hobli. The petitioner claims occupancy right in the above mentioned Sy. Nos. and produced the order copy dated 30.12.74. The date for enquiry was fixed on 11.12.75 and on the
- G same day the enquiry was conducted and the respondent agreed that occupancy rights claimed by the petitioner in the above said Sy. Nos. Therefore all the members of the Tribunal have unanimously accepted the contention of the petitioner and the respondent and resolved to grant
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occupancy rights in favour of petitioner to the extent of lands in the above-said Sy. Nos. as per possession.” A

21. Mr. Vasudev submitted that it would be amply clear from the said order that Pilla Reddy had agreed to the claim of occupancy rights by M. Annaiah Reddy. Furthermore, such order had never been questioned by H. Pilla Reddy as being fraudulent or having been obtained by fraudulent means. B

22. Mr. Vasudev referred to the decision of this Court in *K.D. Sharma vs. Steel Authority of India Ltd.* [(2008) 12 SCC 481], in which the issue relating to fraud perpetrated on Court was considered in detail and it was held that fraud practised on the Court would vitiate all judicial acts, since fraud is an act of deliberate deception with the design of securing something by taking unfair advantage of another. C

23. Mr. Vasudev also referred to the decision of this Court in *Mudakappa vs. Rudrappa* [AIR 1994 SC 1190], in which this Court held that the Tribunal under the Karnataka Land Reforms Act was entitled to decide the question as to whether the joint family or one of its members was a tenant in respect of the land in question and that such decision was subject to review under Articles 226 and 227 of the Constitution. D

24. Mr. Vasudev submitted that since the preliminary objections made on behalf of the Respondent No.1 herein had been duly accepted relating to the maintainability of the suit, on account of the bar imposed under Section 133(1)(i) and (2) of the 1961 Act and the bar of limitation, no interference was called for with the impugned judgment of the High Court. E

25. As has been mentioned hereinbefore, out of 11 issues and the additional issue formulated by the Trial Court, issue No.6 and the additional issue relating to the bar of limitation and maintainability in view of Section 132(2) of the 1961 Act, were taken up for consideration as preliminary issues. In fact, in view of the decision on the said two issues, no other issue G
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A was either taken up for consideration or decided. Our inquiry
in this petition is, therefore, confined to the said two issues
alone.

B 26. The Trial Court answered issue No.6 in the affirmative
and additional issue No.1 in the negative holding that the suit
was barred by limitation and was not maintainable in view of
the bar of Section 132(2) of the 1961 Act. We have considered
the submissions made on behalf of the respective parties in
respect of the two issues and we agree with the views
expressed by the Trial Court as also the High Court on the said
C two issues.

27. As far as the question of limitation is concerned, the
order of the Land Tribunal, Anekal, was passed on 11th
December, 1975, whereas the suit was filed by the Petitioners
D herein in 2005 seeking declaration, partition and permanent
injunction in respect of the properties which were the subject
matter of the order of the Tribunal. An attempt has been made
to bring the said suit within the period of limitation by indicating
E that the Respondent Nos.2 to 5 had tried to disturb the
possession of the Petitioners during the year 2004-05 on the
ground of their alleged purchase of the suit lands from Annaiah
Reddy. It was sought to be urged that Pilla Reddy had admitted
the claim of the Respondents on having acquired occupancy
rights before the Tribunal, without the knowledge and consent
F of the Petitioners. Both the Trial Court, as well as the High
Court, have dealt with this aspect of the matter and have found
that it was on record that notice of the proceedings before the
Land Tribunal had been given in the village in respect of the
application filed by Annaiah Reddy. It is also on record that the
G father of the Petitioners was quite aware of the orders of the
Land Tribunal as in OS No.75 of 1986 he had taken a specific
stand that one of the suit properties, namely, Survey No.46, is
a tenanted property, and that the Land Tribunal, Anekal, had
conferred occupancy rights in favour of M. Annaiah Reddy. The
H High Court has observed that inspite of the same, the father of

the Petitioners did not question the correctness of the order of the Tribunal. It is on that basis that the Courts below held that the Petitioners had knowledge of the concession made by Pilla Reddy in favour of Annaiah Reddy and negated their contention that they were not aware of the same till they signed the compromise petition before this Court in the appeal arising out of OS No.75 of 1986. A
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28. We are, therefore, unable to accept Mr. Ramchandran's submissions that the cause of action for the suit arose only in 2004-05 when the Respondent Nos.2 to 5 purportedly attempted to disturb the possession of the Petitioners. C

29. As far as the second issue is concerned, although ouster of jurisdiction of the Courts is not to be readily inferred, it is quite clear from the provisions of Sections 132(2) and 133(1)(i) of the 1961 Act that the jurisdiction of the Civil Court in matters to be decided by the Tribunal, and to question a decision of the Tribunal stands ousted by Section 132 of the 1961 Act which provides as follows :- D

"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 authorized under sub-section (1) of Section 77, the Assistant Commissioner, the prescribed authority under Section 83, the Tribunal, the Tehsildar, the Karnataka Appellate Tribunal or the State Government in exercise of their powers of control. E

*(2) No order of 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 Tehsildar, the Karnataka Appellate Tribunal or the State Government made under this Act shall be questioned in any civil or criminal court." F
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A Furthermore, Section 133(1)(i) and (2) of the Act read as follows :-

"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.-

B (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 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;

C (ii) x x x

D (ii) x x x

(iii) x x x

E (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."

F 30. It is clear from the above that the jurisdiction of the Civil or Criminal Court or Officer or Authority stood ousted in matters where a decision had to be taken as to whether the land in question was agricultural land or not and whether the person claiming to be in possession is or is not a tenant of the said land from prior to 1st April, 1974. In the instant case, 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 Courts below that the Civil Court had no jurisdiction to decide such a question.

H 31. As far as fraud is concerned, it is no doubt true, as

submitted by Mr. Ramchandran, that fraud vitiates all actions taken pursuant thereto and in Lord Denning's words 'fraud unravels everything'. However, in the instant case, there is nothing on record to suggest that Annaiah Reddy committed any fraud on Pilla Reddy, who willingly accepted the claim of Annaiah Reddy to occupancy rights over the land in question.

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32. In that view of the matter, we see no reason to interfere with the judgment and order of the High Court impugned in these proceedings and the Special Leave Petition is, accordingly, dismissed.

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33. There will, however, be no order as to costs.

D.G.

Special Leave Petition dismissed