



Maintainability of Suit for Injunction without Declaration of Title in Light of Judicial Precedents and Statutory Framework

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Introduction

This Article explores whether a civil suit for injunction is maintainable without accompanying declaratory relief over agricultural lands governed by the Delhi Land Reforms Act, 1954 especially under the bar given under Section 185 of the Act. Through analysis of Supreme Court and High Court decisions, this Article intends to identify the legal thresholds for asserting possessory rights through injunctions when the plaintiff has clear title over the suit property. Civil disputes wherein the Plaintiff generally seek injunctions to restrain the trespassers, or persons interfering with the peaceful possession of land in possession of the Plaintiff, is it necessary for the Plaintiff to seek Declaration of Title from the Revenue Court or the Plaintiff can directly approach the Civil Court seeking an injunction *simplicitor* thereby restraining the trespassers/ defendant from interfering the peaceful possession of the Suit Property.

This issue becomes complex under the Delhi Land Reforms Act, 1954 ("DLR Act"), which regulates land rights and restricts the jurisdiction of civil courts over certain agrarian matters.

The Article further intends to highlight and analyse the relevant judicial decisions and the statutory framework in order to determine the threshold where a suit seeking injunction *simplicitor* is maintainable without seeking declaration over title over the Suit Property. The analysis highlights the role of possession, the existence (or absence) of title disputes, and the jurisdictional limits under Section 185 of the DLR Act.

Statutory Framework

Section 185 of the DLR Act, 1954 vis-à-vis Section 9 of the Code of Civil Procedure

Section 185 of the Act primarily deals with the jurisdictional bar on suits, applications, or proceedings related to agricultural land governed under the Act. It establishes that, except as provided under this Act or any rules made thereunder, civil courts have no jurisdiction to entertain suits concerning agricultural land governed by the Act. Such suits must be filed before the revenue authorities designated under the Act. The provision bars the civil courts from taking cognizance of disputes involving declaration of rights, possession, or other reliefs related to agricultural land under the Delhi Land Reforms Act.

The matters as aforesaid are to be resolved exclusively by the revenue courts or authorities empowered by the Act. This provision aims to centralize and streamline land-related disputes within the specialized revenue administrative framework established by the law, preventing parallel jurisdiction of civil courts. For example, if a dispute involves bhumidhari (landholding) rights or related agricultural land issues, the suit cannot be maintained in a civil court and must be filed before the revenue authorities. This has been consistently upheld in legal cases interpreting the Act, where suits brought to civil courts have been dismissed on the ground of this jurisdictional bar.

Hence, Section 185 acts as a crucial procedural safeguard to ensure that land disputes under the Delhi Land Reforms Act, 1954 are adjudicated in the proper forum *i.e.*, the Revenue Courts and not the Civil Courts.



Section 9 of the Code empowers the civil Courts to try all the suits of civil nature except suits of which the cognizance is either expressly or impliedly barred by a specific statute. The provision safeguards the individual's right approach the civil courts for securing their rights of civil nature. However, where a specific statute/ special Act provides a remedy then the provision bars the civil courts from taking cognizance of the matter on ground of public policy. The Section integrates the fundamental principle of law *ubi jus ibi remedium i.e.*, where there is a right there is a remedy and no person seeking enforcement of his right can be restrained from enforcing his rights given that he/ she has approached the appropriate forum/ Court.

In the case of **Dhruv Green Field vs. Hukam Singh & Others**¹, the Hon'ble Supreme court observed as follows:

"(1) If there is express provision in any Special Act barring the jurisdiction of a civil court to deal with matters specified thereunder the jurisdiction of an ordinary civil court shall stand excluded.

(2) If there is no express provision in the Act but an examination of the provisions contained therein lead to a conclusion in regard to exclusion of jurisdiction of a civil court, the Court would then inquire whether any adequate and efficacious alternative remedy is provided under the Act; if the answer is in the affirmative, it can safely be concluded that the jurisdiction of the civil court is barred. If, however, no such adequate and effective alternative remedy is provided then exclusion of the jurisdiction of civil court cannot be inferred.

(3) Even in cases where the jurisdiction of a civil court is barred expressly or impliedly the court would nonetheless retain its jurisdiction to entertain and adjudicate the suit provided the order complained of is a nullity."

It is pertinent to note that the Section 185, DLR Act, 1954 bars civil courts from adjudicating on bhumidari rights, but not on possession-based injunctions.

Judicial Framework

i. When Injunction Suit Alone is Maintainable

The Hon'ble Supreme Court of India in **Anathula Sudhakar v. P. Buchi Reddy**², observed that a suit for injunction is maintainable if the plaintiff is in possession and title of the property is not in dispute. However, a suit for declaration and possession becomes necessary when title is disputed, and the plaintiff is not in possession. The civil courts can decide simple title disputes, but complex title issues should go through declaration suits. This judgment established doctrinal test for when injunction alone suffices and when declaration is essential.

The position that whether a suit for injunction simplicitor was maintainable before a civil court or not was further discussed by the Hon'ble High Court of Delhi in **Hanso Devi v. Chandru**³ wherein the Hon'ble Court observed that a suit for injunction simpliciter is maintainable even for agricultural land where title is not in dispute. The Hon'ble Court further observed that Section 185 of the Delhi Land Reforms Act bars civil suits only for bhumidari rights, not for injunction based on possession and when both parties claim possession, civil court is the proper forum for adjudicating possession-based rights.

¹ AIR 2002 SC 2841

² (2008) 4 SCC 594

³ 2011 SCC OnLine Del 2309



This judgment affirmed that Section 185 DLR Act does not bar injunction suits when the relief is grounded in peaceful possession.

The Hon'ble Supreme Court of India in **Kirpa Ram (deceased) through Legal Representatives and Others. Vs Surendra Deo Gaur**⁴ observed that Section 34 of the Specific Relief Act does not bar an injunction suit where title is admitted or not disputed. The Hon'ble Court further observed that plaintiff with valid title and possession can seek injunction without needing a declaratory decree and the civil court jurisdiction is not barred where revenue laws (like the Delhi Land Reforms Act) do not provide an adequate remedy. The Hon'ble Supreme Court in **Krushna Chandra Behera & Ors. Vs Narayan Nayak & Ors.**⁵ reiterated the position as follows:

"18. The law is well settled that if the Defendants do not dispute the title of the Plaintiffs then the suit should not fail only on the ground that the matter has been filed only for injunction simpliciter and no main relief in the form of declaration has been prayed for."

This judgment affirmed that plaintiff's title along with possession as sufficient for an injunction suit.

ii. When Declaration Is Mandatory

Declaration is mandatory where the Plaintiff is out of the possession of the property or where there is a cloud over title (e.g., *Nanak Chand*) (*ibid*). In case, where either of these two conditions is present a declaratory relief under Section 34 of the Specific Relief Act becomes necessary.

The Hon'ble High Court of Delhi in **Nanak Chand v. Raja Rakesh**⁶ reiterated the position laid down by the Hon'ble Supreme Court as held by the in the case of Anathula Sudhakar (*supra*) as follows:

"... the general principles as to when a mere suit for permanent injunction will lie, and when it is necessary to file a suit for declaration with injunction as a consequential relief are well settled. The said general principles have been adumbrated as follows and must be read in their entirety."

11.1 Where a plaintiff is in lawful or peaceful possession of a property and such possession is interfered or threatened by the defendant, a suit for an injunction simpliciter will lie. A person has a right to protect his possession against any person who does not prove a better title by seeking a prohibitory injunction. But a person in wrongful possession is not entitled to an injunction against the rightful owner.

11.2 Where the title of the plaintiff is not disputed, but he is not in possession, his remedy is to file a suit for possession and seek in addition, if necessary, an injunction. A person out of possession, cannot seek the relief of injunction simpliciter, without claiming the relief of possession.

11.3 Where the plaintiff is in possession, but his title to the property is in dispute, or under a cloud, or where the defendant asserts title thereto and there is also a threat of dispossession from defendant, the plaintiff will have to sue for declaration of title and the consequential relief of injunction. Where the title of

⁴ (2020) 13 SCC 57

⁵ 2025 2 AWC 1535 SC

⁶ 2012 SCC OnLine Del 3035



plaintiff is under a cloud or in dispute and he is not in possession or not able to establish possession, necessarily the plaintiff will have to file a suit for declaration, possession and injunction."

This judgment further reaffirmed and highlighted the necessity of declaration where title is unclear or challenged and the maintainability of suit seeking injunction simplicitor.

iii. Civil Court Jurisdiction

The *Kirpa Ram*⁷ judgment reinforces the plenary jurisdiction of civil courts, stating that the Land Revenue laws do not offer remedies for injunctions. The judgment affirms that the Civil courts remain the appropriate forum unless jurisdiction is specifically barred under the law.

Conclusion

The Delhi Land Reforms Act, 1954 does not bar suits for injunction based on possession and title deeds. A relief seeking declaration of title becomes necessary where title is under serious challenge or possession is not established. However, in cases where the Plaintiff or the party to the dispute has clear title then the suit seeking injunction simplicitor is maintainable in the Civil Courts and the Courts cannot direct the Plaintiff to undergo the cumbersome litigation seeking declaration of title first. The burden lies on the plaintiff to prove either actual possession, title or legal entitlement to the property.

⁷ *supra*