



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 8TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT APPEAL NO. 100159 OF 2024 (SCST)

BETWEEN:

VIRUPANNA NAYAK @ VEERUPANNA
S/O. PARAMESHWARAPPA NAYAK,
AGE. 58 YEARS, OCC. RETIRED CONSTABLE
IN CENTRAL INDUSTRIAL SECURITY FORCE
IN 2011, R/O. GUNDAMMA CAMP,
GANGAVATHI, TQ. GANGAVATHI,
DIST. KOPPAL, KOPPAL-583 231.

PRESENTLY R/O. 25TH WARD,
BEHIND OLD CTO OFFICE,
HOSALLI ROAD, TQ. GANGAVATHI,
DIST. KOPPAL, GANGAVATHI-583 227.

... APPELLANT

(BY SMT. VIDYAVATI M. KOTTURSHETTAR, ADVOCATE FOR
SMT. YASHASHWINI AWARADI AND
SMT. SHRADDHA C. YELAMAGGAD, ADVOCATES)

AND:

1. THE DEPUTY COMMISSIONER, KOPPAL,
DIST. KOPPAL-583 231.
2. THE ASSISTANT COMMISSIONER, KOPPAL,
DIST. KOPPAL-583 231.
3. THE TAHASILDAR, GANGAVATHI,
TQ. GANGAVATHI,
DIST. KOPPAL-583 231.



4. THE REVENUE INSPECTOR, GANGAVATHI,
TQ. GANGAVATHI, DIST. KOPPAL-583 231.
5. SAYYED ALI S/O. SYIED RUPSAB,
AGE. MAJOR, OCC. AGRICULTURE,
R/O. PINJAR ONI, NEAR POLICE STATION,
GANGAVATHI, TQ. GANGAVATHI,
DIST. KOPPAL-583 231.
6. THE CHRISTIAN WELFARE SOCIETY, BETHAL,
METHODIST CHURCH,
REPRESENTED BY ITS SECRETARY,
ISAK IRANNA S/O. GARUDAYYA,
AGE. MAJOR, R/O. VEERUPAPURA VILLAGE,
TQ. GANGAVATHI, DIST. KOPPAL-583 231.
7. PUTTA VENKATASUBBAYYA
S/O. P. SUBBAYYA, AGE. MAJOR
R/O. PLOT NO.1304, FORTUNE TOWER,
MADAPUR VILLAGE, SRIRANGAPALLI,
HYDERABAD-500 019.

... RESPONDENTS

(BY SRI SHARAD V. MAGADUM, AGA FOR R1 TO R4;
SRI K. ANANDKUMAR, ADVOCATE FOR C/R5 (IN CP
NO.21619/24);
SRI J.S. SHETTY, ADVOCATE FOR
SRI SYED SARDAR, ADVOCATE FOR R7;
SRI U.G. KATTIMANI, ADVOCATE FOR R6)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE IMPUGNED ORDER DATED 18.04.2024 PASSED BY THE
LEARNED SINGLE JUDGE IN W.P.NO.102047/2024 AND ALLOW
THIS WRIT APPEAL WITH CONSEQUENTIAL RELIEF/S AND ETC.

THIS APPEAL IS COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE M.I.ARUN)

1. Aggrieved by the order passed in W.P. No.102047/2024, the petitioner therein has preferred the present writ appeal.

2. The petitioner belongs to the Scheduled Caste/Scheduled Tribe community. The father of the petitioner was granted the land in question in the year 1982. Thereafter, the said land was sold in favour of Respondent No.5 by virtue of two registered sale deeds executed in the years 2000 and 2001.

3. The purchaser got the land converted in the year 2009. However, it is contended that he violated the terms and conditions of the conversion order and did not develop the land as required. Instead, after a lapse of two years from the date of the conversion order, he managed to obtain the necessary sanctioned plan for development of a layout. Thereafter, the land was sold to Respondent No. 7 in the year 2014.

4. Subsequently, the petitioner filed an application before the jurisdictional Assistant Commissioner seeking to set aside the



said sale deeds. After few rounds of litigation, the application filed by the petitioner came to be dismissed. Aggrieved by the same, the petitioner preferred a writ petition, which also came to be dismissed with cost. Aggrieved by the said order, the present writ appeal has been filed.

5. The arguments advanced on behalf of the petitioner are two fold. Firstly, it is contended that the sale in favour of respondent No. 5 was effected without obtaining the necessary permission from the competent authority and, therefore, the sale is liable to be cancelled. Secondly, it is contended that respondent No. 5 further alienated the land in favour of respondent No. 7 in violation of the provisions of law.

6. Per contra, the respondents justify the order passed in the writ petition and pray for dismissal of the writ appeal.

7. It is not in dispute that the land was granted in favour of the petitioner's father in the year 1982 and that the same was alienated in the years 2000 and 2001. It is also evident that the appellant questioned the said alienation only in the year 2016, i.e., after an inordinate delay.



8. The Hon'ble Apex Court in ***Nekkanti Rama Lakshmi V/s. State of Karnataka & Ors.,*** reported in ***(2020) 14 SCC 232*** has held that persons similarly situated as that of the appellant are required to approach the competent authority within a reasonable time and that, in cases of inordinate delay, such claims cannot be entertained.

9. Admittedly, though the land was alienated after a lapse of nearly 15 years from the date of grant and without obtaining prior permission from the competent authority, the appellant approached the authorities seeking to set aside the sale only after an unreasonable and unexplained delay. The beneficial legislation enacted to protect members of the Scheduled Caste and Scheduled Tribe communities is intended to prevent exploitation of innocent persons and not to enable misuse of the statute to unsettle long-settled transactions.

10. Under the present circumstances, the claim made by the appellant is clearly vitiated by inordinate delay, and we do not find any error in the order passed by the learned Single Judge.



11. For the aforesaid reasons, the writ appeal is hereby ***dismissed.***

12. In view of the dismissal of the writ appeal, pending applications, if any, do not survive for consideration.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**

VB
CT:BCK
LIST NO.: 1 SL NO.: 4