



CNR: KAHC010060152024

NC: 2026:KHC:44344
WP No. 4274 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO. 4274 OF 2024 (SCST)

BETWEEN:

1. T.V. KRISHNA REDDY
S/O VENKATASWAMY
AGED ABOUT 59 YEARS
R/AT Y. HOSKOTA VILLAGE
KASABA HOBLI
SRINIVASAPURA TALUK
KOLAR DISTRICT 563 135.

...PETITIONER

(BY SRI. CHANDRASHEKHARA REDDY K.N., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KOLAR DISTRICT
ZILLADALITHA BHAVAN
NEAR JALALPPA MEDICAL COLLEGE
NH-75 MULABAGAL ROAD
KOLAR-563 103.
2. THE ASSISTANT COMMISSIONER
KOLAR SUB-DIVISION
OFFICE OF THE
ASSISTANT COMMISSIONER
KOLAR-563 101.
3. RADHAMMA
D/O LATE ANJINAPPA
AGED ABOUT 43 YEARS
R/AT KRISHNAMMA-HIOSAHALLI VILLAGE
KASABA HOBLI

Digitally
signed by
GEETHA P G
Location:
HIGH
COURT OF
KARNATAKA



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CHINTAMANI TALUK-563 135.

FORMERLY RESIDENT AT
YELAVAKUNTE VILLAGE
KASABA HOBLI
SRINIVASAPURA TALUK
KOLAR DISTRICT-563 135.

4. THE TAHSILDAR
SRINIVASAPURA TALUK
MINI VIDHANASOUDHA
SRINIVASAPURA-563 135.
5. THE STATE OF KARNATAKA
REPRESENTED BY THE
PRINCIPAL SECRETARY
DEPARTMENT OF LAND REVENUE
M.S.BUILDING
BANGALORE-560 001.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1, R2, R4 AND R5;
SRI. S.VISWESWARAIAH, ADVOCATE FOR R3)

THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE THE WRIT ORDER TO DECLARE THAT, THE PARLIAMENTARY AFFAIRS AND LEGISLATION SECRETARIAT NOTIFICATION NO.DPAL 25 SHASANA 2023, BENGALURU DATED 27.07.2023 BY AMENDED TO THE SECTION 5(1)(c) AND (d) OF THE KARNATAKA SCHEDULED CASTES AND SCHEDULED TRIBES (PROHIBITION OF TRANSFER OF CERTAIN LANDS) AMENDED KARNATAKA ACT NO.30/2023 DATED 27.7.2023) IS IMPROPER, UNCONSTITUTIONAL AND ULTRA VIRES TO THE PROVISION OF THE CONSTITUTION OF INDIA VIDE PUBLIC POLICY AND THE IMPUGNED NOTIFICATION COPY OF THE KARNATAKA GAZETTE DOCUMENT IS PRODUCED AS ANNEXURE-L AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THROUGH PHYSICAL HEARING/VIDEO CONFERENCING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

1. The land which is the subject matter of the writ petition was granted in favour of the original grantee in the year 1979. He belonged to Scheduled Caste/Scheduled Tribe community. The land was sold in the year 1997. The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short 'PTCL Act') came into force on 01.01.1979. Respondent no.3 is the legal representative of the original grantee. For the first time, an application under Section 5 of the PTCL Act challenging the sale was filed in the year 2014. Respondent no.2-Assistant Commissioner allowed the said application. The appeal filed by the petitioner against the said order of Assistant Commissioner has been dismissed by respondent no.1-Deputy Commissioner. Aggrieved by the same, the present writ petition is filed.

2. The case of the petitioner is that, an application under Section 5 of the PTCL Act has been filed after an unreasonable delay of 17 years from the date of sale and the said delay has



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not been satisfactorily explained. On the said ground, it is prayed that the writ petition be allowed.

3. In the course of the arguments, learned counsel for the petitioner submits that, he has challenged the constitutional validity of the amendment made to Section 5 of the PTCL Act in the year 2023. However, he submits that he does not press for the same. His submission is placed on record.

4. Learned counsel for respondent no.3 as well as learned Additional Government Advocate justify the impugned orders and pray for dismissal of the writ petition.

5. The only question that arises for consideration is whether there is any inordinate and unreasonable delay in filing the application under Section 5 of the PTCL Act.

6. Hon'ble Apex Court in ***Nekkanti Rama Lakshmi vs. State of Karnataka and Another*** reported in ***(2020) 14 SCC 232*** as well as the decision of this Court in the case of ***R.Suresh Mohan v. State of Karnataka and Others*** in ***W.P.No.3597/2018***, have held that an unreasonable delay in challenging the sale



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becomes fatal to an application filed under Section 5 of the PTCL Act.

7. Admittedly, the sale was effected in the year 1997. The application under Section 5 of the PTCL Act was filed only in the year 2014, after a lapse of 17 years from the date of sale. The said delay has not been satisfactorily explained by respondent no.3. Under the facts and circumstances of the case, the same has to be held as unreasonable. Respondent nos.1 and 2 have committed an error by passing the impugned orders. Accordingly, the impugned orders are liable to be set aside.

8. Hence, the following:

ORDER

- (i) The writ petition is ***allowed***;
- (ii) The impugned order dated 02.03.2023 bearing no.ಎಲ್.ಎನ್.ಡಿ/ಎಸ್‌ಸಿ.ಎಸ್.ಟಿ/ಶ್ರೀ/19/2014-15 passed by respondent no.2-Assistant Commissioner vide Annexure-G to the writ petition is hereby set aside;



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- (iii) The impugned order dated 22.09.2023 bearing no.ಪಿ.ಟಿ.ಸಿ.ಎಲ್ 07/2023 passed by respondent no.1- Deputy Commissioner vide Annexure-K to the writ petition is hereby set aside;
- (iv) The application filed under Section 5 of the PTCL Act by respondent no.3 before respondent no.2 is hereby dismissed.

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

PGG
List No.: 1 Sl No.: 38