



CNR: KAHC010122882025

NC: 2026:KHC:42021
WP No. 7020 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO.7020 OF 2025 (SCST)

BETWEEN:

1. S. ANANDBABU
S/O LATE SRIRAMULU,
AGED ABOUT 41 YEARS,
2. S. SHAMANNA,
S/O LATE SRIRAMULU,
AGED ABOUT 38 YEARS,
3. S. ASHOK,
S/O LATE. SRIRAMULU,
AGED ABOUT 35 YEARS,

ALL ARE AT C/O BABU BUILDING,
NEAR DATTATREYA TEMPLE
THYAGARAJANAGAR,
CHALLAKERE TOWN-577522
CHITRADURGA DISTRICT.

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

...PETITIONERS

(BY SMT. MUSRATH TABASSUM, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY ITS SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDING,



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DR. AMBEDKAR VEEDHI,
BANGALORE-560 001.

2. THE DEPUTY COMMISSIONER,
CHITRADURGA DISTRICT,
CHITRADURGA-577501.
3. THE ASSISTANT COMMISSIONER,
CHITRADURGA SUB-DIVISION,
CHITRADURGA-577501.
4. THE TAHSILDAR
CHALLAKERE TALUK,
CHITRADURGA DISTRICT-577522.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA.)

THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER PASSED BY THE RESPONDENT NO.2-AUTHORITY, I.E., THE DEPUTY COMMISSIONER, CHITRADURGA, DATED 06.12.2023 IN CASE NO.PTCL:16/2022 (ANNEXURE-G) AND ORDER DATED 24.08.2012 IN NO.SCPTCL/CLK/483/96-97 PASSED BY THE RESPONDENT NO.3-AUTHORITY I.E., ASSISTANT COMMISSIONER, CHITRADURGA SUB-DIVISION, CHITRADURGA (ANNEXURE-D), ETC.

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

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



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ORAL ORDER

1. The land, which is the subject matter of the writ petition, was granted in the year 1953 in favour of the original grantee, as he belonged to a Scheduled Caste/Scheduled Tribe community. He sold the same in the year 1962. Presently, the petitioners are the owners of the land. In the year 1996, a *suo motu* action was initiated under Section 5 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short 'PTCL Act'). Thereafter, respondent No.3-Assistant Commissioner has passed the impugned order vide Annexure-D to the writ petition whereby the land has been resumed to the State. Aggrieved by the same, the petitioners have preferred an appeal before respondent No.2-Deputy Commissioner, who in turn has rejected the appeal. The said order passed by respondent No.3 has been confirmed by the Deputy Commissioner. Aggrieved by the same, the present writ petition is filed.

2. The case of the petitioners is that the land was sold way back in the year 1962 and there are no legal representatives of



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the original grantee. Thereafter, the petitioners are said to have purchased the property in the year 1965. That for the first time, action under Section 5 of the PTCL Act has been initiated in the year 1996 belatedly, and hence, the impugned orders are liable to be set aside.

3. Per contra, the learned AGA appearing for the respondents justifies the impugned orders and prays for dismissal of the writ petition.

4. The question that arises for consideration is with regard to the delay in initiating the *suo-motu* proceedings under Section 5 of the PTCL Act.

5. Admittedly, the first sale in respect of the property was made in the year 1962. The PTCL Act came into force on 01.01.1979. Under the circumstances, in the light of the decision of the Hon'ble Apex Court in ***Manchegowda and Others vs. State of Karnataka and Others*** reported in ***(1984) 3 SCC 301***, as there is a lapse of 17 years between the date of first sale and the PTCL Act coming into force, it has to be held that the purchaser has perfected his title over the



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property by virtue of prescription of time. Even otherwise, the proceedings under Section 5 of the PTCL Act was initiated for the first time in the year 1996, which is after a lapse of 17 years from the date of PTCL Act coming into force. The said delay is not explained and has to be considered unreasonable.

6. The 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 if there is an unreasonable delay in challenging the sale, it becomes fatal to an application made under Section 5 of the PTCL Act.

7. Hence, the following:

ORDER

- (i) The writ petition is allowed;
- (ii) The impugned order bearing No.SCPTL/CLK/483/96-97 dated 24.08.2012 passed by respondent no.3-Assistant Commissioner vide Annexure-D to the writ petition is hereby set aside;



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- (iii) The impugned order bearing No.PTCL:16/2022 dated 06.12.2023 passed by respondent no.2- Deputy Commissioner vide Annexure-G to the writ petition is hereby set aside;
- (iv) Revenue entries in respect of the property, which is the subject matter of the writ petition, shall be restored to *status quo ante* as it was prior to passing of the order of the Assistant Commissioner.

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

hkh.
List No.: 1 Sl No.: 50