



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.8388 OF 2025 (SC/ST)

BETWEEN:

1. SMT. AKKAYAMMA,
W/O RAMAPPA,
AGED ABOUT 67 YEARS,
2. SMT. AKKACHAMMA,
W/O RAMAPPA
AGED ABOUT 69 YEARS,

BOTH ARE RESIDENTS OF
BENDIGANAHALLI VILLAGE,
SULEBELE HOBLI, HOSAKOTE TALUK,
BENGALURU RURAL DISTRICT-562 129.

3. SMT. GURAMMA,
W/O MUNIRAJAPPA,
D/O DODDAHANUMA BHOVI,
AGED ABOUT 62 YEARS,
R/AT SONNENAHALLI VILLAGE,
NARASAPURA TALUK,
KOLAR DISTRICT-563 130.

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

...PETITIONERS

(BY SRI. CHOKKA REDDY, ADVOCATE)



AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR ROAD,
BENGALURU-560 001
REPRESENTED BY SECRETARY.
2. THE DY. COMMISSIONER,
KOLAR DISTRICT,
KOLAR-563 101.
3. THE ASST. COMMISSIONER,
KOLAR SUB-DIVISION,
KOLAR-563 101.
4. VISHWANATHA H.R.
S/O S.T. RAMEGOWDA,
AGED ABOUT 50 YEARS,
R/AT HUNGENAHALLI VILLAGE,
KASBA HOBLI, MALUR TALUK,
KOLAR DISTRICT - 563 130.

...RESPONDENTS

(BY SMT. ANITHA N., AGA., FOR R.1 TO R.3;
SRI. HARISH H.V., ADVOCATE FOR R.4.)

THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 26.07.2024 PASSED BY THE RESPONDENT NO.2 IN CASE NO.PTCL/10/2024 UNDER ANNEXURE-A AND CONSEQUENTLY ALLOW THE APPLICATION FILED BY THE PETITIONERS BEFORE RESPONDENT NO.3, ETC.

THIS PETITION COMING ON FOR ORDERS, THROUGH PHYSICAL HEARING/VIDEO CONFERENCING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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

ORAL ORDER

1. The case of the petitioners is that they are the legal heirs of the original grantee. The land which is the subject matter of the writ petition was granted to the original grantee on the ground that he belonged to a Scheduled Caste/Scheduled Tribe community. The said land has been alienated without taking necessary permission from the Government and it is in violation of Section 4(2) of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short 'the PTCL Act'), and hence, the sale is liable to be set aside. However, both respondent No.3-Assistant Commissioner and respondent No.2-Deputy Commissioner erred in coming to the conclusion that no grant is made in favour of the grantee and have passed the impugned orders. Hence, it is prayed that the impugned orders passed by respondent Nos.3 and 2 may be set aside and



the land should be resumed and restored in favour of the petitioners herein.

2. Learned AGA for respondent Nos.1 to 3 supports the case of the petitioners.

3. Respondent No.4 submits that the land was not granted in favour of the original grantee in pursuance of any agrarian reforms. The land was allotted in favour of the original grantee for an upset price and both the Assistant Commissioner and the Deputy Commissioner have recorded the said finding. It is submitted that the land was granted to the original grantee for an upset price way back in the year 1935. The original grantee alienated the land in the year 1960. The PTCL Act came into force in the year 1979. As per Section 4 of the PTCL Act, any alienation of granted land made by the grantee contrary to the terms of the grant and without obtaining prior permission from the Government, whether such transfer was effected before or after commencement of the PTCL Act, is not valid in law. It is further submitted that the



land was not transferred in violation of any of the conditions of grant. It is also submitted that the land was transferred for the first time in the year 1960 itself and even if the title of prescription of 12 years is applied as contemplated by the Apex Court in ***Manchegowda and Others vs. State of Karnataka and Others*** reported in ***(1984) 3 SCC 301***, 12 years has lapsed from the date of execution of the sale. The said sale transaction is not hit by provisions of Section 4 of the PTCL Act. It is contended that even otherwise, the petitioners preferred an application under Section 5 of the PTCL Act for the first time in the year 2024 i.e., after a lapse of 64 years. As per the ratio laid down by the Apex Court in ***Nekkanti Rama Lakshmi v. State of Karnataka and Another*** reported in ***(2020) 14 SCC 232*** as well as this Court in *W.P.No.3597/2018*, the application of the petitioners is liable to be rejected. For the said reasons, it is prayed that the writ petition be dismissed.



4. Section 4 of the PTCL Act reads as under:

"4. Prohibition of transfer of granted lands.-(1) *Notwithstanding anything in any law, agreement, contract or instrument, any transfer of granted land made either before or after the commencement of this Act, in contravention of the terms of the grant of such land or the law providing for such grant, or sub-section (2) shall be null and void and no right, title or interest in such land shall be conveyed or be deemed ever to have conveyed by such transfer.*

(2) *No person shall, after the commencement of this Act, transfer or acquire by transfer any granted land without the previous permission of the Government.*

(3) *The provisions of sub-sections (1) and (2) shall apply also to the sale of any land in execution of a decree or order of a civil court or of any award or order of any other authority."*

5. The Apex Court in ***Manchegowda and Others vs. State of Karnataka and Others*** reported in **(1984)3 SCC 301** in paragraph 15 has held as under:

"15. Any person who acquires such granted land by transfer from the original grantee in breach of the condition relating to prohibition on such transfer must



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necessarily be presumed to be aware of the prohibition imposed on the transfer of such granted land. Anybody who acquires such granted land in contravention of the prohibition relating to transfer of such granted land cannot be considered to be a bona fide purchaser for value; and every such transferee acquires to his knowledge only a voidable title to the granted land. The title acquired by such transfer is defeasible and is liable to be defeated by an appropriate action taken in this regard. If the Legislature under such circumstances seek to intervene in the interests of these weaker sections of the community and choose to substitute a speedier and cheaper method of recovery of these granted lands which were otherwise liable to be resumed through legal process, it cannot, in our opinion, be said that any vested rights of the transferees are affected. Transferees of granted lands with full knowledge of the legal position that the transfers made in their favour in contravention of the terms of grant or any law, rule or regulation governing such grant are liable to be defeated in law, cannot and do not have in law or equity, a genuine or real grievance that their defeasible title in such granted lands so transferred is, in fact, being defeated and they are being dispossessed of such lands from which they were in law liable to be dispossessed by process of law. The position will, however, be somewhat different where the transferees have acquired such granted lands not in violation of any term of the grant or any law regulating such grant as also where any transferee who may have acquired a defeasible title in such granted lands by the



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transfer thereof in contravention of the terms of the grant or any law regulating such grant has perfected his title by prescription of time or otherwise. We shall consider such cases later on. But where the transferee acquires only a defeasible title liable to be defeated in accordance with law, avoidance of such defeasible title which still remains liable to be defeated in accordance with law at the date of commencement of the Act and recovery of possession of such granted land on the basis of the provisions contained in Section 4 and Section 5 of the Act cannot be said to be constitutionally invalid and such a provision cannot be termed as unconscionable, unjust and arbitrary. The first two contentions raised on behalf of the petitioners are, therefore, overruled."

6. Admittedly, the alienation took place in the year 1960. There has been no violation of any of the grant conditions in the said transfer. Furthermore, as per the impugned orders, which the learned AGA is unable to dispute, the grant was not made in favour of the original grantee on the ground that he belonged to a Scheduled Caste/Scheduled Tribe community or in pursuance of any agrarian reforms. The land was granted to the original grantee for an upset price. Under the circumstances, the



land cannot be treated as a 'granted land' for the purposes of Section 3(b) of the Act.

7. Furthermore, the alienation took place in the year 1960 and the same has been questioned for the first time in the year 2024 after a lapse of 64 years. The inordinate and unreasonable delay has not been explained by the petitioners and such a challenge cannot be permitted in law in the light of the ratio laid down by the Apex Court in ***Nekkanti Rama Lakshmi v. State of Karnataka and Another*** reported in **(2020) 14 SCC 232** and this Court in *WP No.3597/2018*.

For the aforementioned reasons, the writ petition is hereby dismissed.

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

hkh.
List No.: 1 Sl No.: 18