



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO.6290 OF 2017 (LA-RES)

C/W

WRIT APPEAL NO.6360 OF 2017 (LA-RES)

IN WA No.6290/2017:

BETWEEN:

1. B.R. ZAKIR AHMED KHAN,
AGED ABOUT 45 YEARS,
S/O B. RAHAMATHULLA KHAN,
2. B.R. SABIR AHMED KHAN,
AGED ABOUT 43 YEARS,
S/O B. RAHAMATHULLA KHAN,
3. B.R. SHAKIR AHMED KHAN,
AGED ABOUT 39 YEARS,
S/O B. RAHAMATHULLA KHAN,
4. B.R. YASHIR AHMED KHAN
AGED ABOUT 33 YEARS
S/O B. RAHAMATHULLA KHAN,

ALL ARE R/AT NO.70,
STEPHENS ROAD,
FRAZER TOWN,
BANGALORE - 560 005.

...APPELLANTS

(BY SRI. C M NAGABUSHANA., ADVOCATE A/W

Digitally
signed by
REKHA R
Location:
High Court
of
Karnataka



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

SRI. K.S. UDAY, ADVOCATE AND
SRI. P.V. CHANDRASHEKAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF REVENUE,
M.S. BUILDINGS,
DR. AMBEDKAR VEEDHI,
BANGALORE - 560 001.
2. THE SPECIAL LAND
ACQUISITION OFFICER,
III FLOOR, PODIUM BLOCK,
VISVESHWARAIAH TOWERS,
DR. AMBEDKAR VEEDHI,
BANGALORE - 560 001.
3. SMT. N GIRIJA,
W/O LATE B.N. KRISHNAIAH
AGED ABOUT 79 YEARS,
R/A NO.22 18TH MAIN ROAD
MUNESHWARA BLOCK
BANGALORE - 560 026.
SINCE DEAD BY HER LR
- 3(a). SRI. B.K. NAGESH,
AGED ABOUT 62 YEARS,
S/O LATE B.N. KRISHNAIAH,
R/AT 22, 2ND FLOOR,
CKC GARDEN MY SCHOOL ROAD,
SUDHAMANAGARA,
BENGALURU - 560 027.
4. SMT SAVITHRI @ SAVITHRAMMA,
W/O B N ASHWATHANARAYANA,
AGED ABOUT 71 YEARS,
NO.42, 4TH CROSS,
PATTEGARPALYA,
BANGALORE - 560 072.



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

5. SRI. R. PRASAD,
S/O LATE B.N. RAMANNA,
AGED MAJOR IN AGE,
NO.22, 2ND CROSS,
MY SCHOOL ROAD,
CKC GARDEN,
BANGALORE - 560 027.
6. SMT. B.S. SATHYA PREMA,
W/O LATE B.N. ESHWARAIAH,
AGED ABOUT 65 YEARS,
NO.834, 8TH MAIN ROAD,
8TH CROSS,
NEAR SRINAGAR BUS STAND
BANASHANKARI,
BANGALORE - 560 050.
SINCE HEAD BY HER LR.
- 6(a). SMT. B.E. SARALA DEVI,
AGED ABOUT 55 YEARS,
D/O LATE B.N. ESDHWARAIAH,
R/AT 834, 8TH MAIN ROAD,
8TH CROSS,
NEAR SRINAGARA BUS STAND,
BANASHANKARI 3RD STAGE,
BENGALURU - 560 050.

...RESPONDENTS

(BY SRI. B. RAVINDRANATH, AGA FOR R1 & R2,
SRI. S.M. CHANDRASHEKARAN, SENIOR ADVOCATE FOR
SRI. S. KALYAN BASAVARAJ, ADVOCATE FOR R3(a),
R4, R5, R6(a))

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE ORDER DATED:18.08.2017 PASSED IN WP NO.53985/2016



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

AND 62952/2016 [LA-RES] BY THE LEARNED SINGLE JUDGE
OF THIS HON'BLE COURT AND ETC.,

IN WA NO. 6360/2017:

BETWEEN:

1. SMT. N. GIRIJA,
W/O LATE B.N. KRISHNAIAH,
AGED ABOUT 78 YEARS,
SINCE DEAD BY HER LRS.
- 1(a). SRI B.K. NAGESH,
S/O LATE B.N. KRISHNAIAH,
AGED ABOUT 62 YEARS,
R/AT NO.22, 2ND FLOOR,
CKC GARDEN, MY SCHOOL ROAD,
SUDHAMA NAGAR,
BENGALURU - 560 027.
2. SMT. N. SAVITHRI ALIAS SAVITHRAMMA,
W/O LATE B.N. ASHWATHNARAYAN,
AGED ABOUT 70 YEARS,
NO.42, 4TH CROSS,
PATTEGARPALYA,
BENGALURU - 560 072.
3. SRI. R. PRASAD,
S/O LATE B.N. RAMANNA,
AGED ABOUT 50 YEARS,
NO.22, II CROSS,
MY SCHOOL ROAD,
C K C GARDEN,
BENGALURU - 560 027.
4. SMT. B.S. SATYAPREMA,
W/O LATE B.N. ESHWARAIAH,
SINCE DEAD BY HER LRS
VIDE ORDER DATED 19.06.2020



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

- 4(a). SMT. B.E. SALARALA DEVI,
D/O LATE B.N. ESHWARAIAH,
AGED ABOUT 55 YEARS,
R/AT NO.834, 8TH MAIN,
8TH CROSS,
NEAR SRINAGARA BUS STAND,
BANASHANKARI,
BENGALURU - 560 050.

...APPELLANTS

(BY SRI.S.M. CHANDRASHEKAR, SENIOR ADVOCATE FOR
SRI. S. KALYAN BASAVARAJ, ADVOCATE FOR
A1(a), A2, A3, A4(a))

AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF REVENUE,
KARNATAKA GOVERNMENT SECRETARIAT,
BENGALURU - 560 001.
2. THE SPECIAL DEPUTY COMMISSIONER,
BENGALURU DISTRICT,
K.G. ROAD,
BENGALURU - 560 001.
3. THE SPECIAL LAND
ACQUISITION OFFICER,
III FLOOR, PODIUM BLOCK,
VISVESHVARAYA CENTRE,
BENGALURU - 560 001.
4. SRI B.R. ZAKIR AHMED KHAN,
AGED ABOUT 44 YEARS,
5. SRI B R SABIR AHMED KHAN
AGED ABOUT 42 YEARS



CNR: KAHC010173822017

**NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017**

6. SRI. B.R. SHAKIR AHMED KHAN,
AGED ABOUT 38 YEARS,
7. SRI. B.R. YASHIR AHMED KHAN,
AGED ABOUT 30 YEARS,

RESPONDENT NO. 4 TO 7 ARE
RESIDING AT NO.70.
STEPHENS ROAD,
FRAZER TOWN,
BENGALURU - 560 005.

...RESPONDENTS

(BY SRI. B. RAVINDRANATH, AGA FOR R1 TO R3,
SRI. UDAYA HOLLA SR. SR. ADVOCATE FOR
SRI. VIVEK HOLLA, ADVOCATE FOR R4 TO R7)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THE
WRIT APPEAL BY SETTING ASIDE THE ORDER
DATED:18.08.2017 PASSED BY THE LEARNED SINGLE JUDGE,
IN WP 30004/2016 AND WP NOS.30138-40/2016 AND GRANT
SUCH OTHER AND FURTHER RELIEFS AS ARE JUST AND ETC.,

THESE APPEALS ARE COMING ON FOR DISPOSAL, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF



CNR: KAHC010173822017

**NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017**

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The unsuccessful petitioners in W.P.No.30004/2016 c/w W.P.Nos.30138-40/2016 and W.P.No.53985/2016 c/w W.P.Nos.62952/2016 are before us in these two writ appeals being numbered as W.A.No.6290/2017 c/w W.A.No.6360/2017 respectively, assailing the common order dated 18.08.2017 passed by the Writ Court. The Writ Court under the impugned order dismissed both the writ petitions reserving liberty to the petitioners in both the writ petitions to work out their remedy before the Civil Court, in respect of 26000 sq.ft. of land.

2. The parties are referred to as per their ranking before the Writ Court.

3. Since the *lis* involved in both these Writ Appeals are inter-connected to each other in respect of the property acquired for the purpose of Nyayadegula Building at H.Siddaiah Road, Bengaluru, both the Writ Appeals are



CNR: KAHC010173822017

**NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017**

taken up together, heard and disposed of by this common order with the consent of both the learned counsel appearing for the parties.

4. Facts germane to file these appeals are as under:

THE UNDISPUTED FACTS:

5. The property bearing Nos.66, 66/7 and 66/8 CTS No.27/10 (forming part of Sy.No.8/3 of Annipura Village) situated at H.Siddaiah Road, Bengaluru, originally belongs to one Chikkanna. Said property was conveyed/sold in favour of one Thammaiah, who in turn sold it to K.Narayanappa under registered sale deed dated 31.10.1942. Further it is not in dispute that said K.Narayanappa had four (4) children namely, B.N.Krishnaiah, B.N.Ashwathnarayana, B.N.Ramanna and B.N.Eshwariah, who have succeeded to the estate of K.Narayanappa. The petitioners herein are claiming under them as owners in possession of the property.



CNR: KAHC010173822017

**NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017**

5.1 It is also not in dispute that B.N.Krishnaiah, B.N.Eshwariah and Petitioner No.3 - R.Prasad, S/o.Ramanna, of so also one Savitri, w/o. B.N.Ashwathnarayana had executed General Power of Attorney¹ in favour of M.Naryanappa, s/o. Maranna on 25.02.1999 in respect of the properties in dispute i.e., 19500 sq.ft. (75 feet x260 feet) and 26000 sq.ft. (100 feet x 260 feet).

5.2 A Preliminary Notification dated 09.06.2011 followed by Final Notification dated 24.06.2014 came to be issued wherein two (2) bits of land i.e., 19500 sq.ft. and 26000 sq.ft., in all including 45500 sq.ft. were acquired for the purpose of Nayadegula Building at H.Siddaiah Road, Bengaluru. The Land Acquisition Officer² initiated proceedings for passing the award. The notice of passing award was issued on 10.12.2015

¹ for short 'GPA'

² for short 'LAO'



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

FACTS IN DISPUTE ARE AS UNDER:

6. As per the petitioners, GPA dated 25.02.1999 was cancelled on 27.02.2006 and a public notice was issued, cautioning the general public with respect to cancellation of GPA, and not to enter any transaction with respect to the property on the basis of GPA, in Vijaya Times dated 20.03.2006, thereby intimating the general public regarding the cancellation of GPA. M. Narayanappa - GPA holder of the persons stated above including Petitioner No.3, said to have executed sale deed dated 11.02.2008 in respect of eastern portion of the property measuring 19500 sq.ft. in favour of Zakir Ahmed Khan and his brothers, who were petitioners in W.P.No.53985/2016 and connected matter.

6.1 It is their further claim that said Narayanappa executed another sale deed dated 20.09.2006, under cancelled GPA, in favour of petitioners, in W.P.No.53985/2016 and connected matter, in respect of



CNR: KAHC010173822017

**NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017**

western portion of the property measuring 26000 sq.ft. As such there is no conveyance in favour of Zakir Ahmed Khan and his brothers - petitioners in W.P.No.53985/2016 and connected matter, since the sale deeds executed by the person having no authority under law were *nonest* in law.

6.2 The petitioners in response to the notice issued by the LAO filed objections disputing the sale deeds executed in favour of Zakir Ahmed Khan and his brothers in respect of 19500 sq.ft. as well as 26000 sq.ft., on the premise that the GPA executed in favour of Narayanappa had been cancelled long before he had executed the sale deeds in favour of said Zakir Ahmed Khan and his brothers. It is their further claim that the petitioners in W.P.No.30004/2016 and W.P.Nos.30138-40/2016 i.e., Smt.Girija and others immediately after noticing the sale deeds said to have been executed by M.Narayanappa - the alleged GPA holder (cancelled GPA), filed Miscellaneous



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

Nos.24/2009 and 42/2011, much prior to the Preliminary Notification before the concerned Court seeking permission to sue as indigent persons against the respondent Nos.4 to 7, for a declaration that two (2) sale deeds executed in their favour were not binding on the petitioners, as the same were based on forged GPA and for a consequential declaration that the plaintiffs i.e., petitioners - Smt.Girija and others, as the absolute owners of the subject matter of acquisition.

6.3 It is their further case that SLAO despite the objection, which goes to the roots of the claim of Zakir Ahmed Khan and his brothers on the basis of the sale deeds said to have been executed by M.Narayanappa on the basis of GPA dated 25.02.1999 by way of sale deeds dated 11.02.2008 and 29.09.2006, much after the cancellation of GPA and public notice, only on the basis that the subsequent purchasers names came to be entered in the khatha i.e., revenue records of the BBMP and they



CNR: KAHC010173822017

**NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017**

alleged to have constructed certain premises in the property in question and carrying on the business, in the presence of the disputed facts, ventured to decide on the rival claims and directed disbursement of compensation amount in respect of the property involved in the *lis* to the extent of 19500 sq.ft. However, relegated both the parties to get their rights decided before the Civil Court and deposited the award amount in terms of Sections 75, 76 and 77 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013³.

CASE OF ZAKIR AHMED KHAN AND HIS BROTHERS, WHO WERE PETITIONERS IN W.P.Nos.53985/2016 and 62952/2016:

7. It is their contention that they have purchased the property under the registered sale deed dated 20.09.2006 in respect of western portion of the property measuring 26000 sq.ft. and 19500 sq.ft. under registered

³ for short 'LARR Act'



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

sale deed dated 11.02.2008 i.e., eastern side of the property both acquired under acquisition proceedings, executed by Narayanappa, S/o. Maranna, the GPA holder of the said property. They having acquired the title under the registered sale deeds, approached the concerned Revenue Authorities i.e., BBMP. The BBMP had effected khatha in their favour in respect of 19500 sq.ft. land i.e., eastern portion of the acquired property in their name and so far as 26000 sq.ft. i.e., western portion of acquired land, is still pending for consideration. Since they have acquired title under the registered sale deeds, their names came to be entered and they having constructed property over the land, were carrying on their business in the said premises at the time of acquisition of land and paying tax in respect of the properties to the concerned Authorities, are entitled for the compensation in respect of the acquisition of properties i.e., total extent of 45500 sq.ft. (19500 sq.ft. + 26000 sq.ft). They further contend that the Land Acquisition Officer having considered the



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

registered sale deeds and revenue documents in their favour, having released compensation in respect of the part of the acquired land i.e., to the extent of 19500 sq.ft., ought not to have declined to release balance compensation amount in respect of 26000 sq.ft. only on the ground that the revenue records were still under process.

8. Both the petitioners were before the Writ Court in two (2) separate Writ Petitions calling in question the very same order passed by the Special Land Acquisition Officer⁴. Smt.N.Girija and others in W.P.No.30004/2016 & W.P.Nos.30138-40/2016 with respect of releasing compensation to the extent of 19500 sq.ft. and Sri.B.R.Zakir Ahmed Khan and others in W.P.No.53985/2016 and W.P.No.62952/2016 with respect to order declining to release compensation to the extent of land measuring 26000 sq.ft.

⁴ for short 'SLAO'



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

9. The Writ Court having considered the rival submissions, which we have already stated above, was of the opinion that the SLAO was right in releasing the amount in respect of 19500 sq.ft. land, inasmuch as, the same is based on the registered sale deeds of the year 2008; the document which shows the discharge of loan paid to the UCO Bank by the petitioners - Zakir Ahmed Khan and his brothers; the GPA dated 19.03.1999; Agreement of Sale dated 16.06.1992 and 06.12.1990 in favour of Gulzar Khan, so also, on the basis of revenue entries made in the name of Zakir Ahmed Khan and his brothers and they were paying tax, the Writ Court held that the SLAO based on these documents has come to the conclusion that prima facie respondent Nos.4 to 7 had proved their rightful claim for compensation in respect of 19500 sq.ft. of land. For which, not only absolute sale deed was executed in their favour, but their names were also entered in the Corporation Khatha and they were indeed paying property tax. However, declining to release



CNR: KAHC010173822017

**NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017**

compensation in respect of 26000 sq.ft. since there are no records except the sale deeds, the SLAO rightly so deposited the amount with the Civil Court under Sections 75, 76 and 77 of the LARR Act. The Writ Court held that the order passed by the LAO cannot be found fault with on both the counts i.e., release of amount to the extent of 19500 sq.ft. and depositing amount in respect of 26000 sq.ft. and proceeded to dismiss both the petitions relegating them to stake their claims in the pending civil suits, which were instituted in Miscellaneous Nos.24/2009 and 42/2011 pending before the Civil Court and directed the Civil Court to dispose of the civil suits as expeditiously as possible at any rate within one (1) year from the date of receipt of copy of the order dated 18.08.2017. It is this common order passed by the Writ Court, dismissing both the petitions filed by Smt.Girija and others and Sri.Zakir Ahmed Khan and brothers, is called in question in these writ appeals.



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

10. Heard Sri. Uday Holla, learned Senior Counsel assisted by Sri.C.M.Nagabhushana along with K.S.Uday and Sri.P.V.Chandrashekar, learned counsel appearing for the petitioners in W.P.No.53985/2016 and connected matter and Sri.S.M.Chandrashekar, learned Senior Counsel assisted by Sri.S.Kalyana Basavaraj, learned counsel appearing for the petitioners in W.P.No.30004/2016 and connected matters and Sri.B.Ravindranath, learned AGA appearing for the State in both the petitions and appeals.

11. Both the learned Senior Counsel reiterated their contentions which they have taken before the Writ Court and tried to impress upon us on various grounds that they have taken in these appeals.

12. We having heard the rival submissions, perused the entire writ appeal papers. Before advertng to the *lis* involved between the parties, we have noticed that civil miscellaneous proceedings in Misc.Nos.24/2009 and



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

42/2011 have been assigned as O.S.Nos.5393/2016 and 6721/2016 pending on the file of City Civil Court, Bengaluru, which is not in dispute by both the parties.

13. What transpires from the record is, that the petitioners i.e., Smt.Girija and others - petitioners in W.P.No.30004/2016 and connected matter, contend that they had cancelled the GPA as on 27.02.2006 and by way of public notice issued in Vijaya Times dated 20.03.2006, cancelling of the GPA, cautioning the general public. The GPA holder despite the same, ventured to execute the sale deed on the basis of GPA conveying the property of the petitioners in favour of Zakir Ahmed Khan and his brothers, who were petitioners in W.P.No.53985/2016 and connected matter. In that view of the matter, the dispute that the sale deeds themselves are *nonest*, as per the petitioners in W.P.No.30004/2016 and connected matter strikes to the root of the claim made by the petitioners i.e., Zakir Ahmed Khan and brothers in the connected writ



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

petition. As such, as per the contentions of Girija and others any documents, based on a void document i.e., sale deeds, such as Khatha and property tax paid receipts, have no value in the eye of law in view of serious disputes with regard to existence of sale deeds and in view of the suits filed, seeking permission to file suit as indigent person against the petitioners (Zakir Ahmed Khan and his brothers) for a declaration to declare that the sale deeds in their favour are not binding on them and for a declaration of their ownership of the acquired property, filed in Misc.No.24/2009 and 42/2011, now having been converted into suits - O.S.Nos.5393/2016 and 6721/2016, pending on the file of City Civil Court, Bengaluru. In that view of the matter, the SLAO ought not to have decided the rival claims, which is touching upon the very title of the property, which involves complex issue of right, title and interest in the property, as the same is the exclusive jurisdiction of the Civil Court and not amenable to the jurisdiction of the LAO.



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

14. It is noticed from the records that the learned Single Judge has held that there is no question of directing the petitioners i.e., Zakir ahmed khan and his brothers to redeposit the amount, by dismissing the application filed by Girija and othes.

15. Further it is noticed that right claimed by the petitioners i.e., Zakir ahmed Khan and his brothers under the sale deeds executed by M.Narayanappa, who was the GPA holder of the respondent No.3 and others, who were owners of the land at that point of time i.e., in the year 1999. This fact is not in dispute. Further they contend that there was an agreement of sale in favour of one Sri.Gulzar Khan in respect of the very same properties and he was a consenting witness to the sale deeds. No documents were produced to show that they are claiming any right other than the registered sale deeds executed by GPA holder. As per the claim of the petitioners - Smt. Girija and others they have cancelled the GPA much earlier



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

to the sale deeds executed in favour of Zakir Ahmed Khan and his brothers by M.Narayanappa acting as a GPA holder. In that view of the matter, the dispute strikes at the roots of the claims in respect of title to the property.

16. The Writ Court has failed to consider these aspects of the matter, but over weighed with further documents after the sale deeds, namely, revenue entries i.e., Khatha issued by the Mahanagara Palike and the Tax Paid Receipts. The basis for that Khatha and Tax Paid Receipt was the sale deed, which are in serious dispute and suits were pending seeking cancellation of the very same sale deeds, as not binding on the petitioners - Smt.Girija and others. In that view of the matter, we are of the considered opinion that the Writ Court ought not to have brushed aside the claim made by the petitioners in W.P.No.30004/2016 and connected matter, only on the ground that mere filing of the suits would not come in the way of the SLAO in deciding the rival claims, as there is no



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

injunction operating against him, from releasing the compensation amount, is misplaced.

17. Sri.S.M.Chandrashekar, learned Senior Counsel submits that the petitioners - Zakir Ahmed Khan and his brothers may be directed to redeposit the amount, which they have got released in the year 2016.

18. To this, Sri.Uday Holla, learned Senior Counsel submits that, the amount was withdrawn in the year 2016 after executing an Indemnity Bond with the SLAO. In any event, if the rights are to be declared in the pending suits in respect of either of the parties, in case it goes against Zakir Ahmed Khan and his brothers, they are bound to honour the Indemnity Bond and make good the amount which they have received.

19. We find some force in the submission of Sri.Uday Holla, learned Senior Counsel. The parties who have received the amount by executing Indemnity Bond,



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

are bound to honour the terms and conditions mentioned in the Indemnity Bond. As the suits are pending before the Civil Court, stated supra, we hereby direct both the parties to stake their claims in the pending suits, which we have been told have reached the stage of plaintiff's evidence. There was a direction by the Writ Court way back in the year 2017 to make all endeavours to dispose of the suits as expeditiously as possible within an outer limit of one (1) year. The order was passed in the year 2017 and we are in 2026 i.e., 9 years passed.

20. In that view of the matter, we direct the parties to approach the Civil Court in the pending suits i.e., O.S.Nos.5393/2016 and 6721/2016 and make their claims, by taking all the contentions in accordance with law, by adducing evidence both oral and documentary in support of their claim and the Civil Court shall adjudicate and dispose of both the suits on its merits without being influenced by any of the observations either by the SLAO,



CNR: KAHC010173822017

NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017

Writ Court or by this Court, independently as expeditiously as possible, within an outer limit of nine (9) months from the date of receipt of copy of this order.

21. Both the parties are directed to co-operate with the trial, which has already been commenced before the Civil Court without seeking any unnecessary adjournment. The trial court is further directed not to grant any unnecessary adjournments, without recording the compelling reasons for such adjournment and should make all endeavour to dispose of the suit strictly in terms of the timeline fixed by this Court. The court has already taken nine (9) years time from 2017 despite there is a direction by the Writ Court. The trial court is directed to strictly adhere to timeline now granted under these appeals without giving any room for non compliance.

22. With these observations, both the writ appeals stand ***disposed of***. The amount in deposit before the concerned Civil Court by the SLAO should be invested in



CNR: KAHC010173822017

**NC: 2026:KHC:35905-DB
WA No. 6290 of 2017
C/W WA No. 6360 of 2017**

any interest bearing FDR, with any Nationalised Bank, till the disposal of the suits, if not already deposited.

23. In view of disposal of these appeals, pending applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

DR
List No.: 1 SI No.: 29
ct-vn