



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 7183 OF 2014 (SCST-)

BETWEEN:

1. SRI. NAGARAJU
S/O MALAKANA BHOVI
AGED ABOUT 55 YEARS
R/AT YELLAMMANAPALYA VILLAGE
DODDA HAGADE DHAKALE
KASABA HOBLI, ANEKAL TAUKE
BANGALORE DISTRICT-562 106.

...PETITIONER

(BY SRI. V.VISWANATH SETTY, ADVOCATE)

AND:

1. SRI. N.H.BHASKAR REDDY
S/O N.H.P.SHIVAREDDY
AGED ABOUT 49 YEARS
R/AT NO.672, 17TH 'C' MAIN
6TH BLOCK, KORAMANGALA
BANGALORE-560 034.
2. SRI. LAKSHMAIAH
S/O LATE USMANA BHOVI
AGED ABOUT 57 YEARS
R/AT YELLAMMANAPALYA VILLAGE
DODDA HAGADE DHAKALE
KASABA HOBLI, ANEKAL TALUK
BANGALORE DISTRICT-562 106.

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



3. THE ASSISTANT COMMISSIONER
BANGALORE SUB-DIVISION
KANDAYA BHAVAN, K.G.ROAD
BANGALORE-560 009.
4. THE DEPUTY COMMISSIONER
BANGALORE DISTRICT
DISTRICT COMMISSIONER OFFICE
K.G.ROAD, BANGALORE-560 009.
5. SHIVAJYOTHI AND AMRUTH
TOWNSHIP'S WELFARE ASSOCIATION ®
NO.12, BLOCK-B, SHIVAJYOTHI LAYOUT
DODDAHAGADE, KASABA HOBLI
ANEKALL TALUK, BENGALURU.
REP. BY ITS SECRETARY
MR. K.G.VALLABA RAMU.

...RESPONDENTS

(BY SMT. SPOORTHY V., HCGP FOR R3 AND R4;
SRI. SHARATH S.GOWDA, ADVOCATE FOR R5;
VIDE ORDER DATED 17.10.2019 NOTICE TO R2 IS HELD
SUFFICIENT;
R1 - SERVED AND UNREPRESENTED)

THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE
ORDERS DATED 07.12.2013, PASSED BY RESPONDENT NO.4
HEREIN IN NO.SC.ST(A)/20/2012-13 UNDER ANNEXSURE-A
AND 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 petitioner is that, the land which is the subject matter of the writ petition was granted in favour of his forefather in the year 1928. Thereafter, some of the legal heirs of the original grantee alienated the lands in favour of respondent no.1 by virtue of three sale deeds dated 22.04.2002, 16.09.2004 and 18.05.2008. Subsequently, a layout has been formed and sites are sold in favour of various persons and they in turn have formed a Welfare Association which is impleaded herein as respondent no.5.

2. The petitioner challenged the aforementioned sale transactions for the first time in the year 2012 by making an application under Section 5 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short 'the PTCL Act'). Respondent no.3-Assistant Commissioner accepting the



contention of the petitioner has resumed the lands and ordered for restoration of the same in favour of the petitioner. Aggrieved by the same, respondent no.1 preferred an appeal before respondent no.4-Deputy Commissioner, who has set aside the order passed by respondent no.3. The same has been done on the ground that the grant was of the year 1928 and the first sale was of the year 1948 and the land has been alienated after the non-alienation period is over and prior to the Act coming into force and that there is an unreasonable delay in initiating the proceedings by the petitioner. Aggrieved by the said order, the present writ petition is filed.

3. The petitioner disputes the fact that there were sale deeds executed from the year 1948 itself in respect of the land concerned. However, he admits that the non-alienation period mentioned in the original grant certificate has expired long back prior to execution of the sale deed. The only contention urged is that the sale has taken place without taking permission from the Government as



contemplated under Section 4 of the PTCL Act. It is further submitted that, any person can prefer an application before the Assistant Commissioner and not necessarily only the persons who sold the property or persons claiming through them and the Assistant Commissioner can *suo motu* take up the proceedings under Section 5 of the PTCL Act and the petitioner does have a locus to challenge the proceedings. However, he candidly admits that the revenue documents never reflected the name of the petitioner as owner of the property concerned. He justifies the order passed by respondent no.3-Assistant Commissioner and prays for setting aside of the order passed by respondent no.4-Deputy Commissioner.

4. Both the contesting respondent as well as learned High Court Government Pleader justify the impugned order passed by respondent no.4-Deputy Commissioner and pray for dismissal of the writ petition.



5. The copy of original grant certificate is not produced in these proceedings. Neither the sale deeds said to have been executed from the year 1948 are produced. The encumbrance certificates reflecting the transactions with respect to the property are also not produced. There is a disputed question of fact whether a sale deed has been executed from the year 1948 or not. However, it is not in dispute that the sale deeds in the year 2002, 2004 and 2008 have been executed, which alienated the property in favour of respondent no.1 herein. It is the contention of the petitioner that the said sale deeds have been executed by some of the legal heirs of the original grantee, whose names found place in the revenue records in respect of the property concerned and not by the petitioner who is also a legal heir. The fact that vendors in the sale deeds executed in the year 2002, 2004 and 2008 are the legal heirs of the original grantee and the fact that petitioner herein is also a legal heir of the original grantee is



disputed by respondent no.5. No material is produced by either of the parties in this regard.

6. Be that as it may, the sale of a portion of the property concerned took place in the year 2002. Another portion was sold in the year 2004 and the remaining portion was sold in the year 2008. They have been challenged belatedly in the year 2012 for the first time and there is no reason assigned for the delay in challenging the same. Further, the persons who sold the property by virtue of the aforementioned sale deeds or any person claiming through them have not initiated the proceedings under the PTCL Act. It is initiated by the petitioner herein who is making an independent claim in respect of a portion of the property which is independent of the share of the vendors in the sale deeds. Under the said circumstances, even if the contention of the petitioner is accepted, his right if any, in respect to the property has not been alienated in favour of the purchasers. Under the circumstances, if it is permitted in law and if he is able to



establish that he has a right over a portion of the property independent of the sale executed, he is always having the liberty to initiate appropriate proceedings in accordance with law to enforce the said right. But he cannot under the given facts and circumstances of the case maintain an application under Section 5 of the PTCL Act.

7. Thus, for the reason that the original vendors or any person claiming under them have not challenged the proceedings, that the petitioner has not been able to show that he has an inherited right on the property and also for the reason that respondent no.3-Assistant Commissioner has not initiated *suo motu* proceedings in respect to the said transactions, I do not see any merit in the instant writ petition and the same is accordingly ***dismissed***.

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

PGG