

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT APPEAL NO.1277 OF 2021 (SC/ST)

BETWEEN:

SMT. R. SAROJINI DEVI
W/O R. PADMARAJU
AGED ABOUT 57 YEARS
R/O NO.131, 15TH CROSS, 2ND BLOCK, R T NAGAR
R T NAGAR POST, BENGALURU-560 032

...APPELLANT

(BY SRI. JAYAKUMAR S. PATIL, SR. ADV FOR
SRI. IRFANA NAZEER, ADV)

AND:

1. THE SPECIAL DEPUTY COMMISSIONER
BENGALURU DISTRICT
BENGALURU-560 009
2. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB-DIVISION
BENGALURU-560 009
3. THE TAHSILDAR
ANEKAL TALUK
ANEKAL, BENGALURU-560 009
4. SRI T. SUDHAKAR
AGED ABOUT 75 YEARS
S/O SAJEEVARAYUDU

Digitally
signed by
RAKSHA
Location High
Court of
Karnataka

R/O NERALURU VILLAGE
ATTIBELE HOBLI, ANEKAL TALUK
BENGALURU-560 100

5. SRI BODANNA BHOVI @ BODAPPA
SINCE DEAD
REP. BY LEGAL REPRESENTATIVES
- 5A. SMT. DODDAKKA
WIFE OF LATE BODANNA BHOVI @ BODAPPA
AGED ABOUT 70 YEARS
- 5B. SRI NAGARAJU B.
SON OF LATE BODANNA BHOVI @ BODAPPA
AGED ABOUT 50 YEARS
- 5C. SRI VENKATESH B.
SON OF LATE BODANNA BHOVI @ BODAPPA
AGED ABOUT 48 YEARS
- 5D. SRI SRINIVAS.B
SON OF LATE BODANNA BHOVI @ BODAPPA
- 5E. SRI B VENKATASWAMY
SON OF LATE BODANNA BHOVI @ BODAPPA
AGED ABOUT 44 YEARS

ALL LR'S ARE R/AT SAMPIGENAGARA
(BHOVIPALYA), VADDARAPALYA, KAMMASANDRA
ELECTRONIC CITY POST
ANEKAL TALUK, ATTIBELE HOBLI
BANGALORE - 560 100.

- 5F. SRI. LAKSHMIRAJU B.
SON OF LATE BODAPPA @ BODANNA BHOVI
AGED ABOUT 62 YEARS
R/AT NO.177, 1ST MAIN ROAD
VADDARAPALYA

ELECTRONIC CITY
ANEKAL TALUK
BANGALORE SOUTH
BANGALORE - 560 100.

...RESPONDENTS

(BY SRI. BYREGOWDA N., AGA FOR R1 TO R3;
V/O DT:28.05.2024, NOTICE TO R4 IS DISPENSED WITH;
SRI. P.B.KRISHNAN, SR. ADV APPEARING FOR
SRI. PRAKASH T. HEBBAR, ADV FOR R5 (A TO E);
SRI. SIJI MALAYIL, ADV FOR R5(F))

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961 R/W THE HIGH COURT OF KARNATAKA
RULES, 1969, PRAYING TO SET ASIDE THE JUDGMENT DATED
24.09.2021 OF LEARNED SINGLE JUDGE OF THIS COURT.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED
FOR JUDGMENT ON 16.09.2026 AND COMING ON FOR
PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN**
J., PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.P.VIVEKANANDA

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

This writ appeal is filed challenging the order dated 24.09.2021 passed by the learned Single Judge in Writ Petition No.60566/2016 (SC/ST).

2. We have heard Shri. Jayakumar S. Patil, learned Senior counsel as instructed by Shri. Irfana Nazeer, learned Advocate appearing for the appellants, Shri. Byregowda N, learned Additional Government Advocate, appearing for respondents No.1 to 3, Shri. P.B. Krishnan, learned senior counsel as instructed by Shri. Prakash T. Hebbar, learned Advocate appearing for respondents No.5 (a) to (e) and Shri. Siji Malayil, learned counsel appearing for respondent No.5(f).

3. The learned Senior Counsel appearing for the appellants submits that on 29.01.1982, the Tahasildar, Anekal Taluk, by Order No.LND.SR.19/80-81, granted 15 acres 20 guntas of land in Sy.No.57 situated in Singena Agrahara Village, Sarjapura Hobli, Anekal Taluk, to nine

grantees. Respondent No.5, a member of the Scheduled Caste, was one of the grantees and was allotted 2 acres out of the said extent. Respondent No.5 agreed to sell the said 2 acres to respondent No.4 through his GPA holder, one Shri. G. Nagaraju, by Sale Deed dated 16.11.1996. When the document was presented for registration, the Sub-Registrar returned it with an endorsement that the land stood granted to a person belonging to the Scheduled Caste and that prior permission was necessary. Thereafter, permission for sale was granted by respondent No.1- Deputy Commissioner on 27.05.1997. Owing to the grant of permission, Sale Deed dated 16.11.1996 came to be registered on 04.06.1998.

5. It is further submitted that respondent No.4, in turn, sold the said property to the appellant by Registered Sale Deed dated 23.02.2004. Following the said sale, khata, RTC and mutation entries came to be transferred to the name of the appellant. Respondent No.5 thereafter filed Petition No. K.SC/ST 41/05-06 under Sections 4 and 5 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 ('the

PTCL Act' for short) before respondent No.2 - Assistant Commissioner. By Order dated 18.06.2008, the said petition was rejected. Aggrieved, respondent No.5 preferred SC/ST(A) 139/08-09 before respondent No.1. The said appeal was allowed by Order dated 24.07.2012, setting aside the order of the Assistant Commissioner.

6. The appellant challenged the order dated 24.07.2012 in W.P.No.60566/2016. The learned Single Judge, by judgment dated 24.09.2021, dismissed the writ petition. The learned Single Judge held that before a person seeks to acquire any granted land, he/she is required to seek prior permission of the State Government in terms of Section 4(2) of the PTCL Act. In the instant case the original grantee was not a party to the sale, the deed dated 16.11.1996 was executed by one Shri. G. Nagaraju as GPA holder, and permission was sought only after the Sub-Registrar declined registration. In the memorandum dated 27.05.1997 there is no mention about the sale deed already executed and the State Government permission was not sought as well. Therefore, subsequent sanction will not cure

the defect, since what is required under Section 4(2) of the PTCL Act is prior permission and not subsequent permission. On the question of delay, the learned Single Judge held that the cause of action for the original grantee arose only after the instrument was registered on 04.06.1998, and computed from that date, the application filed in the year 2005 involved a delay of only 7 years. It was further held that following ***Satyan v. Deputy Commissioner and Others*** reported in **(2020) 14 SCC 210**, wherein it was held that a delay of even 8 years cannot be treated as delay and laches to render the action void, particularly having regard to the fact that the PTCL Act is a beneficial legislation. The plea of delay raised by the petitioner was accordingly rejected. The present Writ Appeal is preferred against the said judgment.

7. The learned counsel appearing for the appellant contends that the learned Single Judge failed to appreciate that respondent No.5 himself had executed a GPA in favour of Shri, G. Nagaraju, based on which the sale transaction was carried through and the sanction for sale dated 27.05.1997 was procured. There is no material on record to

show that respondent No.5 did not appear before the authorities at the time the sanction was accorded, and notice in respect of the sanction dated 04.06.1998 was issued to respondent No.5. It is further contended that respondent No.1 as well as the learned Single Judge failed to consider the permission for sale issued by the Special Deputy Commissioner, Bangalore District, which was obtained before the registration of the sale deed.

8. It is further contended that respondent No.5 being uneducated and unaware of the requirement of prior permission, executed the Sale Deed in good faith on 16.11.1996 and produced it for registration, whereupon it was returned by the Sub-Registrar. The sale deed was ultimately registered only after prior permission was obtained on 27.05.1997. It is further contended that the authorities ought to have taken into account the fact that the registration of the sale deed on 04.06.1998 was preceded by the grant of permission on 27.05.1997, and that possession of the property was thereafter delivered pursuant to a validly registered document.

9. It is further contended that the learned Single Judge erred in invoking Section 47 of the Registration Act, 1908 to dismiss the writ petition, and respondent No.1 wrongly set aside the order of the Assistant Commissioner. The learned Single Judge failed to appreciate that the sale transaction gained legal effect only upon the grant of prior permission by respondent No.1 on 27.05.1997, and the said agreement acquired validity only by virtue of such permission. It is further contended that the observation of the learned Single Judge that the GPA executed by respondent No.5 is barred by Section 4(2) of the PTCL Act cannot be sustained, in as much as the contents of the GPA were not available for scrutiny, and in the absence thereof, no finding could have been recorded that the GPA constituted a transfer of title or possession.

10. It is further contended regarding delay, that the appellant was made aware of the order dated 24.07.2012 only in 2016, when a certified copy was applied for on 27.01.2016 and made available. The revenue records continued to stand in the name of the appellant, and there

was no reason for her to suspect that a contrary order had been passed. The learned Single Judge failed to apply the same yardstick of delay to respondent No.5, who himself approached the Assistant Commissioner only in the year 2005-2006, several years after the alienation in question.

11. The learned senior counsel appearing for the appellant places reliance on the following judgments:-

- ***Thippaiah v. The Special Deputy Commissioner and Ors.***, vide order dated **7.8.2022** passed in **WP No.24438/2009**;
- ***Venkataswamy dead by his LRs' and Ors. v. The Special Deputy Commissioner***, vide order dated **28.03.2025** passed in **WA No.22/2023**;
- ***Ghanshyam Sarda v. Sashikant Jha, Director and Others***, reported in **(2017) 1 SCC 599**; and
- ***Ram Saran Lall & Others v. Mst. Domini Kuer and Ors.*** reported in **AIR 1961 SC 1747**.

12. The learned counsel appearing for respondent No.5 contends that the learned Single Judge rightly dismissed the appeal on the grounds that the grantee, i.e., respondent No.5, never approached the State Government

seeking prior approval in terms of Section 4(2) of the PTCL Act, the application for permission was processed through the alleged GPA holder, who claims to be the owner of the adjacent land, as is evident from the boundaries mentioned in the sale deed pertaining to the first transfer and there was no prior permission as required under Section 4(2) of the PTCL Act.

13. It is further contended that the learned Single Judge correctly held that in the instant case, the execution of the sale deed and the transfer of the land in question was before the grant of permission under Section 4(2) of the PTCL Act, and the fact that the sale deed had already been executed was suppressed before the authority granting permission for sale. It is further contended that the learned Single Judge has considered all the contentions raised by the appellant, the law laid down by the Apex Court, the object of the PTCL Act as a special enactment, and the mandate of Article 46 of the Constitution of India, which casts an obligation on the State to protect the interests of the weaker sections of society, particularly the Scheduled Castes and

Scheduled Tribes, from social injustice and all forms of exploitation. Therefore, the present appeal also ought to be dismissed.

14. The learned counsel appearing for respondent No.5 places reliance on the following judgments:-

- ***Satyan v. Deputy Commissioner & Ors.***, reported in ***(2020) 14 SCC 210***; and
- ***Dharma Naika v. Rama Naika & Another***, reported in ***(2008) 14 SCC 517***.

15. We have considered the contentions advanced on either side. We have given our anxious consideration to the materials on record. We notice that the enactment, that is, the PTCL Act is admittedly a piece of beneficial legislation which intends to protect the rights of persons belonging to Scheduled Castes and Tribes who had been granted land on the basis of the disabilities that they suffer as a Community. Section 3(i)(e) of the PTCL Act specifically defines "Transfer" as under:-

"e. "transfer" means a sale, gift, exchange, mortgage (with or without possession), lease or any other transaction not being a partition among members of a family or a testamentary disposition and includes the creation of a charge or an agreement to sell,

exchange, mortgage or lease or enter into any other transaction."

Section 4 of the PTCL Act reads as follows:-

"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."

16. Admittedly, in the instant case, the instrument of sale was executed on 16.11.1996 by the grantees represented by the GPA Holder. The said instrument was presented before the Sub-Registrar on 22.11.1996 and the execution has been admitted by the Sub-Registrar. The thumb impression and the signatures of Sri G Nagaraju, being the GPA holder of the grantees and also on behalf of the purchaser finds a place at the second page of the document. It is not in dispute that as on the date of

execution of the said deed dated 16.11.1996 and presented for registration on 22.11.1996, there was no permission of the State Government as required under Section 4 of the PTCL Act. The definition of '**transfer**' defined under Section 3(i)(e) of PTCL Act is different from the definition of 'sale' under the Transfer of Property Act. In the present context, the definition of 'transfer' is relevant and not the definition of 'sale'. Even assuming that the sale deed at Annexure-C was not registered either on 16.11.1996 or on 22.11.1996, nevertheless, it could be construed either an "**agreement of sale**" or "**any other transaction**", which finds place in the definition of 'transfer'.

17. The decisions of the Apex Court in the case of **Ram Saran Lall's** case (supra) and **Ghanshyam Sarda's** case (supra) were rendered in the context of ascertaining the actual date of effect of the sale, where the date of execution and the date of registration are different. The Apex Court has held that, notwithstanding the fact that the date of execution is earlier and date of registration is later, the date of registration would relate back to the date of

execution of sale retrospectively. As observed above, in the case on hand, the point for consideration by this Court is not the effective date of sale in terms of Section 47 of the Registration Act read with Section 51 of the Transfer of Property Act. However, the relevant consideration is as to - whether the sale deed at Annexure-C executed on 16.11.1996 and presented for registration before the Sub-Registrar on 22.11.1996 and admitted for registration on 22.11.1996 would come within the mischief of Section 3(i)(e) of PTCL Act, i.e. "**Transfer**".

18. The learned senior counsel for the appellant has placed reliance on the judgment of the co-ordinate Bench of this Court in Writ Appeal No.22 of 2023 dated 28.03.2025 and contended that in identical circumstances, in respect of another extent of land, the sale deed dated 16.11.1996 was executed and registered on 15.06.1998 and when application for restoration was filed by the grantees, the order of restoration has been passed by the competent authority which was challenged before the learned Single Judge in Writ Petition No.24438 of 2009 which came to be

dismissed against which, the aforesaid appeal was filed and the co-ordinate Bench has dismissed the writ appeal holding that the sale deed was executed on 16.11.1996, however, it was registered on 15.06.1998 after obtaining permission for the Government and therefore, there is no violation of the provisions of PTCL Act. It is his submission that since the facts and circumstances of both the cases are identical, the judgment in Writ Appeal No.22 of 23023 is squarely applicable to this case.

19. Upon noticing the facts of the case obtaining in Writ Appeal No.22 of 2023, we find that the definition of 'transfer' defined under Section 3(i)(e) of PTCL Act is neither canvassed nor considered in the cited decision. The consideration in the said case was only in relation to the effective date of sale deed. As observed by us, in this order, there is no quarrel about the retrospectivity of the effective date of sale deed that was executed earlier and registered later.

20. What we are concerned in the present case is that, as on the date of execution of the sale deed, there was no valid permission.

21. Another aspect which is required to be noticed is that even after obtaining the permission from the State Government, it is not the fresh sale deed which has been executed and registered, but it is the same sale deed which was executed on 16.11.1996 and presented on 22.11.1996 alone was subsequently registered. Therefore, subsequent permission of the State Government without bringing to its notice, the execution of sale deed dated 16.11.1996 and the presentation for registration on 22.11.1996 is of no consequence in respect of the present case.

22. Further, the learned Single Judge has specifically considered the documents on record and has found that the Sale Deed executed was on the strength of a Power of Attorney in favour of one Shri. G. Nagaraju, which was never placed on record in any of the proceedings. A reading of the Sale Deed would also show that the vendor as well as the purchaser were both represented by Shri. G. Nagaraju

before the Sub-Registrar. Further, the Order of the Assistant Commissioner at Annexure - B also seems to have been served on Shri. G. Nagaraju on behalf of the grantee.

23. In ***Dharma Naika***'s case (supra), the Apex Court has considered the provisions of the PTCL Act, its statement of objects and reasons, as well as the history and legislative intent behind the Act. It was found that Section 11 of the PTCL Act provides that the Act will have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. It was specifically found that the wide definition of 'transfer' under Section 3(i)(e) of the PTCL Act would include even an Agreement for Sale.

24. Further, in ***Satyan***'s case (supra), the Apex Court had clearly held that a delay of 8 years in approaching the appropriate authority under Section 5 of the PTCL Act cannot be held to amount to such delay and laches, so as to make the action of the competent authority void.

25. The learned counsel for respondent No.5 would also rely on the judgment of the Apex Court in ***Satyan***'s

case (supra) to contend that the Apex Court had quashed sanctions by the Government on requests for prior permission made on the basis of the Power of Attorney allegedly executed by the beneficiaries or grants in favour of persons belonging to the Scheduled Caste or Scheduled Tribes.

26. Having considered the contentions advanced and in the light of the materials placed on record, we are of the opinion that the decisions relied on by the learned senior counsel for the appealant would not be applicable in the facts of the instant case, specifically in view of the wide definition of 'transfer' as provided in Section 3(1)(e) of the PTCL Act. In the facts of the instant case, the findings of the learned Single Judge are fully justified.

27. In the above circumstances, we find no material to interfere with the findings of the learned Single Judge. The appeal fails and the same is accordingly ***dismissed***.

All pending interlocutory applications shall stand
disposed of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**

cp*