



CNR: KAHC010444372024

NC: 2026:KHC:39905
WP No. 20961 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 20961 OF 2024 (SC/ST)

BETWEEN:

CHIKKEERAI AH
S/O LATE DODDAIAH
AGED ABOUT 71 YEARS
R/O AREYURU
BHOVIPALYA - 572 120
HEBBUR HOBLI
TUMAKURU TALUK AND DISTRICT

...PETITIONER

(BY SRI. S.V. PRAKASH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
M S BUILDING
DR. AMBEDKAR VEEDHI
BENGALURU - 560 001
2. THE DEPUTY COMMISSIONER
TUMAKURU DISTRICT
TUMAKURU - 572 101
3. THE ASSISTANT COMMISSIONER
TUMAKURU SUB DIVISION
TUMAKURU DISTRICT
TUMAKURU - 572 101

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



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4. DODDAMMA
W/O LATE VENKATABHOVI
AGED ABOUT 59 YEARS
R/O AREYURU BHOVIPALYA - 572 120
HEBBUR HOBLI
TUMAKURU TALUK AND DISTRICT

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3

SRI. V.R. BALARAJ, ADVOCATE FOR R4 (ABSENT))

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT KARNATAKA ACT NO. 30/2023 I.E., KARNATAKA SCHEDULE CASTES AND SCHEDULED TRIBES (PROHIBITION OF TRANSFER OF CERTAIN LANDS) (AMENDMENT) ACT 2023 INTRODUCING CLASUE (C) AND (d) SUB-SECTION (1) OF SECTION 5 AS ULTRA-VIRUS OF SECTION 14, 16 AND 21 AND 300A OF CONSTITUTION OF INDIA VIDE ANNEX-F AND CONSEQUENTLY STRIKE DOWN THE SAME.

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

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



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ORAL ORDER

The land which is the subject matter of the writ petition was granted in favour of the husband of respondent No.4 in the year 1982. He belonged to the Scheduled Caste / Scheduled Tribe Community. Respondent No.4 is the legal heir of the original grantee. Respondent No.4 and her son has sold the land in favour of the petitioner in the year 2003. 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') has been made in the year 2019 by respondent No.4 after the death of her husband. Respondent No.3 - the Assistant Commissioner has allowed the application. The appeal preferred by the petitioner has been dismissed by respondent No.2 - the Deputy Commissioner. Aggrieved by the same, the present writ petition is filed.



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2. The case of petitioner is that, there has been an unreasonable delay of 16 years in preferring the application under Section 5 of the PTCL Act and in disregard of the sale, the impugned orders have been passed in favour of respondent No.4.

3. The learned counsel appearing for respondent No.4 is absent.

4. The learned Additional Government Advocate appearing for respondent Nos.1 to 3 justifies the impugned orders and prays for dismissal of the writ petition.

5. The only question that arises for consideration is, whether there has been an any inordinate and unreasonable delay on the part of respondent No.4 in preferring the application under Section 5 of the PTCL Act.

6. Admittedly, the land was sold in the year 2003 and challenge to the sale was made in the year 2019. The delay of 16 years has not been satisfactorily explained by



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respondent No.4. Under the given peculiar facts and circumstances of the case, the delay has to be considered unreasonable.

7. As per the ratio laid down by the Hon'ble Apex Court in the case of **NEKKANTI RAMA LAKSHMI VS. STATE OF KARNATAKA AND ANOTHER** reported in **(2020) 14 SCC 232** as well as the decision of this Court in **R.Suresh Mohan v. State of Karnataka and Others** in **W.P.No.3597/2018**, has held that any inordinate and unreasonable delay in making the application under Section 5 of the PTCL Act becomes fatal. Hence, the following:

ORDER

i. The Writ Petition is hereby **allowed**.

ii. The impugned order dated 16.02.2022 bearing

Case No. ಪಿಟಿಸಿಎಲ್.11/2019-20 passed by



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respondent No.3 vide Annexure - D to the writ petition is hereby set aside.

iii. The impugned order dated 10.06.2024 bearing Case No.PTCL.12/2022 passed by respondent No.2 vide Annexure - E to the writ petition is hereby set aside.

iv. The application filed under Section 5 of the PTCL Act filed by respondent No.4 before respondent No.3 - the Assistant Commissioner stands ***dismissed.***

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

CH
List No.: 1 Sl No.: 30