



CNR: KAHC010477312024

NC: 2026:KHC:40142
WP No. 22527 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 22527 OF 2024 (SCST)

BETWEEN:

1. PRAKASH
S/O BASAPPA
AGED ABOUT 60 YEARS
BALLAVARA VILLAGE
LINGADALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT -577 228.
2. NAGARAJ
S/O BASAPPA
AGED ABOUT 53 YEARS
BALLAVARA VILLAGE
LINGADALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT -577 228.
3. KRISHNAPPA
S/O BASAPPA
AGED ABOUT 50 YEARS
BALLAVARA VILLAGE
LINGADALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT -577 228.
4. SAVITRAMMA
W/O LATE MAHANTHESH
AGED ABOUT 55 YEARS
BALLAVARA VILLAGE
LINGADALLI HOBLI

Digitally
signed by
GEETHA P G

Location:
HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:40142
WP No. 22527 of 2024

CNR: KAHC010477312024

TARIKERE TALUK
CHIKKAMAGALURU DISTRICT -577 228.

5. THIPPESH
S/O LATE MAHANTESH
AGED ABOUT 37 YEARS
BALLAVARA VILLAGE
LINGADALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT -577 228.
6. ASHA
S/O LATE MAHANTESH
AGED ABOUT 33 YEARS
BALLAVARA VILLAGE
LINGADALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT -577 228.
7. DIVYA
S/O LATE MAHANTESH
AGED ABOUT 30 YEARS
BALLAVARA VILLAGE
LINGADALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT -577 228.
8. KUBENDRA
S/O LATE MAHANTESH
AGED ABOUT 29 YEARS
BALLAVARA VILLAGE
LINGADALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT -577 228.
9. SHASHIKALA
W/O LATE RUDRAPPA
AGED ABOUT 53 YEARS
BALLAVARA VILLAGE
LINGADALLI HOBLI



CNR: KAHC010477312024

NC: 2026:KHC:40142
WP No. 22527 of 2024

TARIKERE TALUK
CHIKKAMAGALURU DISTRICT -577 228.

10. GIRISH
S/O LATE RUDRAPPA
AGED ABOUT 51 YEARS
BALLAVARA VILLAGE
LINGADALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT -577 228.
11. PRASAD
S/O LATE RUDRAPPA
AGED ABOUT 30 YEARS
BALLAVARA VILLAGE
LINGADALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT -577 228.

...PETITIONERS

(BY SRI. SANDESH T.B., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT
M.S.BUILDING
AMBEDKAR VEEDHI
BENGALURU.
2. DEPUTY COMMISSIONER
REVENUE DEPARTMENT
TARIKERE SUB-DIVISION
CHIKKAMAGALUR DISTRICT-577 228.
3. ASSISTANCE COMMISSIONER
REVENUE DEPARTMENT
TARIKERE SUB-DIVISION
CHIKKAMAGALUR DISTRICT-577 228.
4. NANJAMMA



CNR: KAHC010477312024

NC: 2026:KHC:40142
WP No. 22527 of 2024

W/O RANGASWAMY
AGED ABOUT 65 YEARS
NANDHIBATTALU KAALONI
LINGADAHALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT-577 228.

5. HONNAIAH
S/O RANGASWAMY
AGED ABOUT 44 YEARS
NANDHIBATTALU KAALONI
LINGADAHALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT-577 228.

6. SHARADAMMA
S/O RANGASWAMY
AGED ABOUT 40 YEARS
NANDHIBATTALU KAALONI
LINGADAHALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT-577 228.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
R4 TO R6 ARE SERVED AND UNREPRESENTED)

THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF
CERTIORARI SET ASIDE THE ORDER DATED 11.07.2024 IN
CASE NO.PTL/12/2017-18 PASSED BY RESPONDENT NO.2 VIDE
ANNEXURE-H AND ETC.

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



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

ORAL ORDER

1. The land which is the subject matter of the writ petition was granted in favour of the original grantee in the year 1976. He belonged to Scheduled Caste/Scheduled Tribe community. There was a non-alienation clause that the land should not be alienated for a period of 15 years from the date of grant. For the first time, the land was sold in the year 1991 after the said non-alienation period was over. For the first time in the year 2013, an application under Section 5 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short 'PTCL Act') was filed by respondent nos.4 to 6 (legal representatives of the original grantee) challenging the said sale. The said application was allowed by respondent no.3-Assistant Commissioner. The appeal filed by the petitioners against the said order of respondent no.3 has been dismissed by respondent



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NC: 2026:KHC:40142
WP No. 22527 of 2024

no.2-Deputy Commissioner. Aggrieved by the same, the present writ petition is filed.

2. The case of the petitioners is that, the application under Section 5 of the PTCL Act has been allowed inspite of an unreasonable delay of 22 years since the date of the first sale and the said delay is unexplained. On the said ground, it is prayed that the writ petition be allowed.

3. Respondent nos.4 to 6 though served have remained unrepresented.

4. Learned AGA 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 is any inordinate and unreasonable delay in making an application under Section 5 of the PTCL Act.

6. The Hon'ble Apex Court in ***Nekkanti Rama Lakshmi vs. State of Karnataka and Another*** reported in **(2020) 14**



CNR: KAHC010477312024

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WP No. 22527 of 2024

SCC 232 as well as the decision of this Court in the case of **R.Suresh Mohan v. State of Karnataka and Others** in **W.P.No.3597/2018** have held that if there is an inordinate and unreasonable delay in challenging the sale, it becomes fatal to the application made under Section 5 of the PTCL Act.

7. Admittedly, in the instant case there is a delay of around 22 years in challenging the sale. The said delay is not explained satisfactorily by respondent nos.4 to 6 and under the given facts and circumstances of the case, it has to be held as unreasonable.

8. Hence, the following:

ORDER

- (i) The impugned order dated 24.03.2017 passed by respondent no.3 bearing no.ಎಸ್.ಸಿ/ಎಸ್‌ಟಿ 03/2013-14 vide Annexure-F to the writ petition is hereby set aside;



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- (ii) The impugned order dated 11.07.2024 passed by respondent no.2 bearing no.ಪಿಟಿಸಿಎಲ್/12/2017-18 vide Annexure-H to the writ petition is hereby set aside;
- (iii) The application under Section 5 of the PTCL Act filed by respondent nos.4 to 6 before respondent no.3 is hereby dismissed;
- (iv) The writ petition stands ***allowed*** accordingly;

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