



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 1259 OF 2025 (SC-ST)

BETWEEN:

1. SMT. DEVAMMA
W/O LATE HANUMANTHANAYAKA
AGED ABOUT 77 YEARS
RES/AT MANCHADEVANAHALLI VILLAGE
KASABA HOBALI
PERIYAPATTANA TALUK
MYSURU DISTRICT - 577 109
2. SRI SUNDAR
S/O JAWAHAR NAYAKA
AGED ABOUT 57 YEARS
RES/AT MANCHADEVANAHALLI VILLAGE
KASABA HOBALI
PERIYAPATTANA TALUK
MYSURU DISTRICT - 577 109

...APPELLANTS

(BY SRI KRISHNAMOORTHY D., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP/BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
M.S. BUILDING
BANGALORE - 560 001

Digitally
signed by
VEERENDRA
KUMAR K M

Location:
High Court
of Karnataka



2. THE DEPUTY COMMISSIONER
MYSURU DISTRICT
MYSURU - 570 001
3. THE ASSISTANT COMMISSIONER
HUNSUR SUB DIVISION
HUNSUR
MYSURU DISTRICT - 571 108
4. THE TAHASILDAR
PERIYAPATTANA TALUK
PERIYAPATTANA
MYSURU DISTRICT - 571 107
5. K. SHANKARANARAYANA BHATTA
S/O K. VENKATRAMANA BHATTA
AGED ABOUT 65 YEARS
RES/AT KAMBIBANYA VILLAGE
SHUNTIKOPPA HOBALI
SOMAVARPETE TALUK
KODAGU DISTRICT - 571 231
6. SMT. C.K. KATHYAYINI
W/O LATE KANNAN NAYAR
AGED ABOUT 90 YEARS
RES/AT CHERALA
SRIMANGALA VILLAGE
SHUNTIKOPPA HOBALI
SOMAVARPETE TALUK
KODAGU DISTRICT - 571 231
7. SMT. JANAKI
D/O LATE K.V. KRISHNAN NAYAR
AGED ABOUT 70 YEARS
RES/AT CHERALA
SRIMANGALA VILLAGE
SHUNTIKOPPA HOBALI



SOMAVARPETE TALUK
KODAGU DISTRICT - 571 231

8. SMT. NALINA
D/O LATE K.V. KRISHNAN NAYAR
AGED ABOUT 63 YEARS
RES/AT CHERALA
SRIMANGALA VILLAGE
SHUNTIKOPPA HOBALI
SOMAVARPETE TALUK
KODAGU DISTRICT - 571 231

9. SURESH BABU
S/O LATE K.V. KRISHNA NAYAR
AGED ABOUT 70 YEARS
RES/AT CHERALA
SRIMANGALA VILLAGE
SHRUNIKOPPA HOBALI
SOMAVARPET TALUK
KODAGU DISTRICT - 571 231

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1 TO 4)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT
PETITION NO.20808/2024 (SC-ST) DATED 13/12/2024 AND ALLOW
THE WRIT PETITION AS PRAYED BY ALLOWING THE APPEAL.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. For the reasons stated in the application—I.A.No.1/2025, the same is allowed, and the delay in filing the appeal is condoned.

2. The appellants have filed the present appeal impugning an order dated 13.12.2024 passed by the learned Single Judge of this Court in W.P.No.20808/2024(SCST) [**impugned order**]¹.

3. The appellants had filed the said writ petition, *inter-alia*, praying as under:

"a) Issue a writ of certiorari and order to quash the order passed by the Assistant Commissioner, Hunsur Sub-Division, Hunsur in case No.PTCL 25/2007-08 dated 01.08.2011 as per Annexure 'E';

b) Further to issue writ of certiorari and order to quash the order dated 07.06.2024 passed in PTCL Appeal No.6/2018 by the Deputy Commissioner, Mysore District, Mysore as per Annexure 'J';

c) Issue the order to allow the petition filed by the petitioner in PTCL No.25/2007-08 and to declare that the sale deeds executed by the petitioner in

¹ NC:2024:KHC:51803



favour of Respondent No.5 as per Annexure 'C' sale deed dated 06.06.2005 and further the sale deed executed by the respondent No.6 as per Annexure 'D' sale deed dated 29.03.2007;

- d) Issue any order or direction or writ as deemed fit to be granted in the facts and circumstances of the case by allowing the above writ petition with exemplary cost in the interest of justice and equity."

4. The learned Single Judge found no error in the orders of respondent No.3-the Assistant Commissioner and respondent No.2-the Deputy Commissioner, which were impugned in the writ petition and, accordingly, dismissed the petition.

5. The dispute relates to the appellants' claim in respect of land measuring 4 acres 28 guntas falling in Survey No.92 of Manchadevanahalli Village, Kasaba Hobli, Periyapatna Taluk, Mysore District [**subject land**].

6. The appellants assert that the subject land was granted on 09.08.1951 and a *Saguvali chit* dated 21.05.1952 issued in favour of Sri Hanumantha Naik [**original grantee**], who is now deceased, and was the husband of appellant No.1 and the father of appellant No.2. The appellants further claim that Sri Hanumantha Naik belonged to a depressed class(SC-ST).



7. The appellants claim that *Saguvali Chit* in respect of the subject land was issued on 21.05.1952 in favour of the original grantee. The appellants claim that the name of appellant No.1 was entered in the RTC records for the year 1990-91, as the original grantee had expired. She states that after the demise of the original grantee, the subject land was sold under the registered sale deed dated 06.06.2005 in favour of Sri. K. Shankara Narayana Bhatta. The appellants also claim that the said Sri.K.Shankara Narayana Bhatta sold the subject land under the registered sale deed dated 29.03.2007 in favour of Sri.K.V.Krishna Nair.

8. The appellants relying on Section 4 and 5 of The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 [**PTCL Act**], approached the Assistant Commissioner for resumption of the subject land (PTCL 25/2007-08).

9. The said application was contested by the vendees (K.Shankara Narayana Bhatta and K.V.Krishna Nair) who had purchased the subject land under the registered sale deeds as noted above. They disputed the caste certificate issued to the



appellants. They have also denied that the subject land was granted to the original grantee as he belonged to a scheduled caste.

10. The concerned Tahsildar (respondent No.4) submitted a report, which was considered by the Assistant Commissioner. The relevant extracts of the said report, as noted in the Assistant Commissioner's order dated 01.08.2011, are set out below.

"There are no documents/files available from our office regarding the previous issuance of a copy of the cultivation certificate for the land of Manchadevanahalli S.No.92 by the applicant Hanumanayaka and this village is an Inam village and on 21-02-1962, the land of Chikkannanayaka Bin Hanumanayaka was surveyed and S.No.92 was newly fixed and the District Surveyors gave final approval on 06-06-1963. However, the fact that S.No.92 was recorded in the cultivation certificate submitted by the applicant in the year 1952 is completely suspicious.

All the available handwritten cadastres from 1969-70 to 2000-01 regarding Manchadevanahalli S.No.92 were examined and it was found that in 1969-70 Chikkannanayaka bin. Hanumanayaka was found to have inherited 4-28 acres of land. Later, in the R.T.C. of this survey number, shown Jayamma 2-4 acres was recorded from 1974-75 to 78-79. The R.T.C. of 1980-81 was examined and an account was registered in the name of Hanumanayaka S/o Hanumanayaka, which is the R.T.C. In column 10, the statement "Land measuring 2-14 in area as per M.R.1 5/80-81" is found to have been recorded. Later, in the year 1990-91, the account was changed to the name of Hanumanayaka's wife, Mrs. Devamma, as per



M.R.03/90-91 and the RTC record will continue till the said year.

On examining the Dharkasth demand, it was found that the year 1956-57 was entered as per serial number 35 on page 65 of the said book. However, on a detailed examination of the demand book, it was found that the then official had signed it after serial number 34, leaving some space. Using that space, he entered serial number 35 and entered G.D.R.27/51-52 dated 21-05-1952 and corrected the serial number by changing serial number 38 to 39. 39 has been changed to 40, and the 35, 36, 37 order comes between 35.

The numbers have been entered. The edges of the sheet where the said entry should have been found to have been torn off, and on the next page of this book, serial numbers 40, 41 have been torn off."

11. In view of the aforesaid report, the Assistant Commissioner concluded that the subject land was not a sanctioned land and therefore its alienation could not be questioned under the PTCL Act.

12. The appellants preferred an appeal (PTCL 10/2011-12) before the Deputy Commissioner, which was rejected by an order dated 17.01.2012, for want of jurisdiction.

13. The appellants challenged the Deputy Commissioner's Order dated 17.01.2012 by way of writ petitions being W.P.No.4981/2012 and W.P.No.27853/2012 (SC/ST). The court



allowed the said petitions by an order dated 01.03.2018 and restored the appeal before the Deputy Commissioner.

14. Subsequently, the Deputy Commissioner rejected the appeal (PTCL 06/2018) by an order dated 07.06.2024. The appellants challenged the said order in W.P. No. 20808/2024, which was dismissed by the impugned order.

15. As noted above, the Assistant Commissioner had held that the grant of land in favour of the original grantee was not established. There was no evidence to establish that the subject land was granted to the original grantee on account of his belonging to a depressed class. There was no record of the cultivation certificate in respect of the land falling under Survey No.92, which was relied upon by the appellants. Thus, the cultivation certificate reflecting the subject land in Sy.No.92 could not be relied upon. The entries made in the *dharkasth demand book* were found to have been interpolated. In the aforesaid circumstances, the Assistant Commissioner's order dated 01.08.2011 could not be faulted.



16. The Deputy Commissioner also examined the documents and considered the rival contentions. The Deputy Commissioner in his order dated 07.06.2024, noted that the subject land was granted to Chikkannanayaka S/o Hanumanayaka, by the order of the Special Deputy Commissioner, Inam Abolition Act, Mysore Division, by an order dated 15.06.1964 (A2OR/356/1963-64), as a *khadim* tenant and by issuing a title deed through an endorsement dated 08.12.1964. The Deputy Commissioner further noted that the appellants had not produced any document to establish that the original grantee was granted the land in Survey No.92. It was noted that the grant order number entered in the cultivation certificate, which was relied upon by the appellants, and the grant order number entered in the copy of the distribution and demand slips also did not match. Importantly, Survey No. 92 was a newly allocated Survey No. as per the survey copy dated 21.06.1962.

17. It is apparent from the above, there are ample and good grounds not to accept that the subject land was granted to the original grantee on account of him belonging to the depressed class. In the given facts, we find no grounds to interfere with the



impugned order, rejecting the writ petition preferred by the appellants.

18. The appeal is, accordingly, dismissed.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

KMV
List No.: 1 Sl No.: 11