

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO.26321 OF 2025 (SC-ST)

BETWEEN:

MR. FAROOQUE L DADABHOY,
S/O. MR. L. N. DADABHOY,
AGED ABOUT 77 YEARS,
R/A NO. 13, 1 STREET,
SUBBA RAO AVENUE, COLLEGE ROAD,
GREAMS ROAD, CHENNAI-600 006,
REPRESENTED BY HIS REGISTERED
GPA HOLDER MR. NAGESH.

...PETITIONER

(BY SRI. PRAKASH TIMMANNA HEBBAR., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT,
5TH FLOOR, MULTI-STORIED BUILDING.
DR. B.R. AMBEDKAR ROAD,
VIDHANA VEEDHI,
BENGALURU-560 001.
REP. BY ITS PRINCIPAL SECRETARY.
2. THE DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT,
KANDAYA BHAVANA, K. G. ROAD,
BENGALURU-560 009.

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA

3. THE ASSISTANT COMMISSIONER,
DODDABALLAPURA SUB-DIVISION,
DODDABALLAPURA.
4. MRS. RANGAMMA,
W/O. LATE HANUMANTHARAYAPPA,
AGED ABOUT 75 YEARS,
VADAYANAHALLI VILLAGE,
KUNDANA HOBLI, DEVENAHALLI TALUK.
5. MR. R. RAVIKUMAR,
S/O. LATE S. RAMESH,
AGED ABOUT 62 YEARS,
R/AT. WARD NO.22,
DEVENAHALLI TOWN.
6. M/S. ARVIND HOMES PRIVATE LIMITED,
NO.24, GOVERNMENT EMPLOYEES ASSOCIATION,
N. R. MUNICIPAL MARKET,
C.G. ROAD, AHMEDABAD,
GUJARAT-
REP. BY ITS AUTHORISED REP.
MR. SOURABH AGARWAL
S/O. MR. SATHYENDRA
REG. UNDER REGISTRAR OF COMPANIES ACT-
AHMEDABAD

...RESPONDENTS

(BY SRI. K.P.YOGANNA., AGA FOR R1 TO R3
SRI. S.S.NAGANAND., SR. COUNSEL FOR
SMT. MANEESHA KONGOVI., ADVOCATE FOR R6)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASHING THE
IMPUGNED ORDER DATED 22.07.2013 PASSED BY THE 3RD
RESPONDENT ASSISTANT COMMISSIONER IN CASE
NO.PTCL.SR(DE)66/2006-07 AS PER ANNEXURE - A AND ALSO

THE ORDER DATED 10.07.2025 PASSED BY THE 2ND RESPONDENT DEPUTY COMMISSIONER IN CASE NO.PTCL APPEAL NO.31/2015-16 AS PER ANNEXURE-B AND ETC .,

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 02.02.2026 AND COMING ON FOR PRONOUNCEMENT OF ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE R DEVDAS

CAV ORDER

(PER: HON'BLE MR JUSTICE R DEVDAS)

The petitioner is not only aggrieved of the impugned orders dated 22.07.2013 and 10.07.2025 at Annexures 'A' and 'B' passed by the Assistant Commissioner, Doddaballapur Sub-Division and the Deputy Commissioner, Bengaluru Rural District, respectively, but also has raised a challenge to the registered sale deeds dated 27.07.2020 and 24.02.2021.

2. A brief background of the facts, in a nutshell, is that 4.00 Acres of land in Sy.No.31/4 (new Sy.No.100) was granted in favour of Sri Honappa S/o Venkatappa. Sri Honappa sold 2.00 Acres each in favour of Sri

Thimmarayappa and Smt. Anjinamma in the year 1965. One Sri Sridhar purchased both the pieces of land from Thimmarayappa and Anjinamma in the year 1974 and 1979. Sri Sridhar, thereafter sold the lands in favour of Sri Bilemariyappa on 28.09.1992. The petitioner herein purchased the properties from Sri Bilemariyappa under a registered sale deed dated 08.12.1995. The petitioner got the revenue entries made in his favour. However, it appears that proceedings were initiated under Section 83 of the Karnataka Land Reforms Act, 1961, (hereinafter referred to as Act, 1961 for short) for violation of Sections 79A and 79B and the competent authority viz., the Assistant Commissioner initiated proceedings in LRF.SR(D)62/2003-2004 and passed an order on 10.01.2005 forfeiting the lands in favour of the Government. Pursuant thereto, mutation entries were made in M.R.No.13/2005-06 dated 12.02.2005 restoring the khata in the name of the Government.

3. In the meanwhile, one of the legal heirs of the original grantee i.e., respondent No.4-Smt.Rangamma, initiated proceedings under Section 4 and 5 of the

Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (hereinafter referred to as 'the PTCL Act' for short) in proceedings bearing No.PTCL: SR(Dhe) 66:2006-07. The petitioner herein was the respondent in the said proceedings. Orders were passed by the Assistant Commissioner on 22.07.2013, with a finding that the sale transactions dated 30.07.1965 were in violation of the conditions of grant and accordingly the said transactions dated 30.07.1965 and all subsequent transactions were held to be void and were accordingly cancelled, while directing resumption of the lands from the petitioner, with a direction to restore the same in favour of the original grantee or his legal heirs. The petitioner filed an appeal under Section 5-A of the PTCL Act, before the Deputy Commissioner in PTCL 31/2015.

4. Respondents No.5 and 6 filed an impleading application before the Deputy Commissioner, in the proceedings initiated by the petitioner, contending that after the lands were restored in favour of the legal heirs of the original grantee, pursuant to the orders passed by the

Assistant Commissioner, the legal heirs obtained prior permission at the hands of the State Government, in terms of Section 4(2) of the Act, on 23.07.2020 and proceeded to sell the property in favour of respondent No.5, under registered sale deed dated 27.07.2020. Respondent No.5 sold the property in favour of respondent No.6 on 24.02.2021. Respondent No.6, Developers got the land converted to non-agricultural purposes, at the hands of the Deputy Commissioner on 06.05.2022. It is contended by respondent No.6 that they have developed the property into a residential layout and they have executed 59 registered sale deeds and entered into 30 agreements of sale. The Deputy Commissioner permitted impleadment of respondents No.5 and 6 in the appeal proceedings and thereafter dismissed the appeal filed by the petitioner vide impugned order at Annexure 'B'.

5. Learned Counsel for the petitioner Sri Prakash T.Hebbar contended that the contesting respondents have admitted to have purchased the property in question in the years 2020 and 2021, during the pendency of the appeal

filed by the petitioner before the Deputy Commissioner. The learned Counsel would therefore submit that the contesting respondents cannot plead to be *bona fide* purchasers, on the strength of the permission granted by the Government. Insofar as the orders passed by the competent authority/Assistant Commissioner, under Section 83 of the Act, 1961, learned Counsel submitted that this Court has consistently held in hundreds of cases that after orders of forfeiture were passed by the Assistant Commissioner, if the forfeited land has not been disposed of in accordance with law, then the benefit of the saving clause contained in Section 12 of the Karnataka Land Reforms (Amendment) Act, 2020 should be given to the purchaser. In the same vein, it is contended that since the lands were forfeited to the Government pursuant to the orders passed by the Assistant Commissioner and it is also not disputed that mutation entries were made in favour of the Government vide M.R.No.13/2005-2006 dated 12.02.2005, the Government could not have granted permission to the legal heirs of the original grantee to sell the property in favour of respondent No.5. Learned

Counsel for the petitioner vehemently contended that while considering the representation given by the legal heirs of the original grantee seeking prior permission under Section 4(2) of the PTCL Act, the revenue authorities including the Deputy Commissioner have failed to bring to the notice of the Government, the pendency of the appeal before the Deputy Commissioner and the fact that the lands stood forfeited to the Government under Section 83 of Act, 1961. Failure on the part of the revenue authorities and the Government to consider these aspects, and granting prior permission under Section 4(2) of the PTCL Act, cannot be held against the petitioner. The petitioner was not aware of any such proceedings where permission was sought under Section 4(2) of the PTCL Act, by the legal heirs of the original grantee and therefore, the petitioner is seeking to quash and set aside the permission granted by the Government and to set aside the subsequent sale deeds in favour of respondents No.5 and 6.

6. The learned Counsel for the petitioner would further contend that the Assistant Commissioner could not have entertained the application under Sections 4 and 5 of

the PTCL Act, after enormous delay of nearly 26 years after the Act came into force. The subsequent judgments of the Hon'ble Supreme Court, commencing from ***Nekkanti Rama Lakshmi Vs. State of Karnataka And Another (2020) 14 SCC 232*** have consistently held that the Assistant Commissioners cannot entertain such delayed applications. The Deputy Commissioner has also failed to consider this aspect of the matter while passing the impugned order on 10.07.2025.

7. Per contra, learned Senior Counsel Sri S.S.Naganand, appearing for respondent No.6 submitted at the outset that the petitioner has no *locus standi* to file the instant writ petition. It was submitted that the petitioner has not approached this Court with clean hands and in fact, the petitioner has concealed relevant material in the writ petition. It is submitted that although the petitioner has stated in the writ petition regarding the orders passed by the competent authority/Assistant Commissioner under Section 83 of the Act, 1961, nevertheless, the petitioner has failed to bring to the

notice of this Court the subsequent developments, such as, the petitioner filing an appeal before the Karnataka Appellate Tribunal in Rev. Appeal No.418/2014, the dismissal of the same on 15.07.2019 and the fact that the petitioner had filed a Revision Misc. Petn. No.34/2021, seeking to recall the order dated 15.07.2019. During the pendency of these proceedings, the learned Counsel for respondent No.6 filed a copy of order dated 29.01.2026 passed by the Karnataka Appellate Tribunal, rejecting the Revenue Miscellaneous Petition filed by the petitioner. Learned Senior Counsel, therefore submitted that the petitioner has no *locus standi* to file this writ petition, since admittedly the land stood forfeited to the Government by virtue of the orders passed by the competent authority/Assistant Commissioner on 10.01.2005 in proceedings bearing No.LRF SR(D)62/2003-2004.

8. The learned Senior Counsel further submitted that since admittedly the lands in question were forfeited to the Government on 10.01.2005, there was no hurdle for the Government to grant prior permission under Section 4(2)

of the PTCL Act, in favour of the legal heirs of the original grantee, having regard to the orders passed by the Assistant Commissioner, at Annexure 'A'. Learned Senior Counsel submitted that the allegation of fraud against respondent No.6 or for that matter respondent No.5 cannot be sustained having regard to the above stated facts. Moreover, respondent No.5 Company was incorporated in the year 2020 and it purchased the property in the year 2021, from respondent No.5. Therefore, the petitioner cannot make unsustainable allegations against respondent No.6. It was further contended that respondent No.6 has placed sufficient material before this Court to substantiate its contention that respondent No.6 has developed the property in question into a residential layout and has sold more than 50 sites to various persons and this Court should take note of the same.

9. Heard Sri Prakash T.Hebbar, learned Counsel for the petitioner, learned Senior Counsel Sri S.S.Naganand

for respondent No.6 and learned AGA for the respondent-State and perused the petition papers.

10. Having regard to the chronology of events found hereinabove, it is clear that the petitioner has not approached this Court with clean hands. Writ proceedings being one of equity, it is expected that any person who approaches this Court seeking equitable remedy should come before this Court with clean hands. The petitioner has not stated in the memorandum of writ petition the fact that the petitioner approached the Karnataka Appellate Tribunal seeking to set aside the orders passed by the competent authority/Assistant Commissioner who had passed an order of forfeiture under Section 83 of Act, 1961. The learned Senior Counsel Sri S.S.Naganand, is therefore right in his submission that the petitioner's claim to the property in question, raising a challenge to the impugned orders at Annexures 'A' and 'B' under the provisions of the PTCL Act, cannot be sustained, unless the orders passed under Section 83 of Act, 1961, was set aside in a manner known to law. When the land in question was

forfeited to the Government, then the petitioner will have no locus to maintain this writ petition.

11. As regards the subsequent permission granted by the Government to the legal heirs of the original grantee, through their Power of Attorney holder, it should be mentioned that in a few other cases, this Court has expressed its anguish that the Government and the revenue authorities, including the Deputy Commissioner, through whom the application for permission under Section 4(2) is processed are not taking due care to verify the records, before granting such permission, nevertheless, the present case stands on a different footing. It is true that the Deputy Commissioner and the Principal Secretary of the Revenue Department who are required to consider such applications under Section 4(2) have not taken due care and have granted permission during the pendency of the appeal filed by the petitioner before the Deputy Commissioner. If due care was taken, probably, the Government would not have granted permission under Section 4(2), during the pendency of the appeal.

Nevertheless, this Court cannot ignore the fact that the land was earlier forfeited to the Government and the name of the Government was entered in the revenue records. Here, the petitioner has failed to take action to secure interim orders, to protect the interest of the petitioner. The subsequent developments, such as the conversion of the lands to non-agricultural purposes; the sanction and approvals granted by the competent authority to enable respondent No.6 to develop the property into a residential layout and the subsequent sales made in favour of several persons, cannot be lost sight of.

12. The learned Counsel for the petitioner has cited several judgments in support of his contention that the orders of forfeiture passed under Section 83 of Act 1961, unless taken to its logical conclusion, will not prevent the purchasers from seeking restoration of the lands, may not come to the rescue of the petitioner, since the challenge raised by the petitioner has failed before the Karnataka Appellate Tribunal. Some other judgments were also cited to contend that the orders of forfeiture will not affect the

rights of a subsequent purchaser. The said judgments are also not applicable to the facts of the present case, since the order passed by the competent authority under Section 83 of Act, 1961, is against the petitioner, in respect of his sale deed.

13. Viewed from any angle, this writ petition cannot succeed. Accordingly, the writ petition stands ***dismissed***.

Pending I.As., if any stand disposed of accordingly.

**Sd/-
(R DEVDAS)
JUDGE**

JT/-
CT: JL