



CNR: KAHC010600722022

NC: 2026:KHC:40141
WP No. 25714 of 2022

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.25714 OF 2022 (SCST)

BETWEEN:

1. G. NARAYANA
AGED ABOUT 58 YEARS
S/O GIRITHIMMAIAH
R/O GIRI AGENCIES
HORTICULTURE DEPARTMENT ROAD
S S PURAM, TUMAKURU-572101.

...PETITIONER

(BY SRI. S V PRAKASH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
BENGALURU-560001.
2. THE DEPUTY COMMISSIONER
TUMAUURU DISTRICT
TUMAKURU - 572101.
3. THE ASSISTANT COMMISSIONER
TUMAKURU SUB DIVISION
TUMAKURU-572101.

GANGABHOVI
S/O HANUMANTHAIAH
SINCE DEAD BY LRS

4. T G UMESH

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



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AGE: MAJOR
S/O LATE GANGABHOVI

5. T G DORERAJ
AGE: MAJOR
S/O LATE GANGABHOVI

6. JAYAMMA
AGE: MAJOR
D/O LATE GANGABHOVI,

7. VIJAYALAKSHMI
AGE: MAJOR
D/O LATE GANGABHOVI

8. KUSUMA
AGE: MAJOR
D/O LATE GANGABHOVI

ALL ARE RESIDING AT NO.29,
HORTICULTURE DEPT., ROAD
S S PURAM, TUMKUR TOWN-572101.

9. BASAVARAJU
MAJOR
S/O DANAPPA
JUNIOR ENGINEER
PWD DEPARTMENT
SHOVMOGGA 577201.

...RESPONDENTS

(BY SRI. BHAIKAV KUTTAIAH, AGA., FOR R.1 TO R.3;
VIDE ORDER DATED 07.03.2024 NOTICE TO
R.8 IS HELD SUFFICIENT;
VIDE ORDER DATED 19.09.2023 R.9 IS DELETED;
R.4 TO R.7 ARE SERVED AND UNREPRESENTED.)

THIS PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER
DATED 16.12.2022 PASSED BY THE RESPONDENT NO.2 IN
CASE NO.PTCL 27/02-03 ANNEXURE-H TO THE WRIT PETITION



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WHEREBY AND WHERE UNDER, CONFIRMING THE ORDER PASSED BY THE RESPONDENT NO.3 DATED 09.01.2003 IN CASE NO.PTCL:2/98-99 VIDE ANNEXURE-G, ETC.

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

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 1970. 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 ten years from the date of grant. After the non-alienation period was over, the land was sold for the first time in the year 1981. Presently, petitioner is said to be owner of the property concerned. For the first time, the sale has been challenged in the year 1998 under Section 5 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short 'PTCL Act'). The said application was allowed by respondent no.3-Assistant Commissioner. The appeal filed by the petitioner against the



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order of respondent no.3 has been dismissed by respondent no.2-Deputy Commissioner. Aggrieved by the same, the present writ petition is filed.

2. The case of the petitioner is that, the application under Section 5 of the PTCL Act has been allowed inspite of an unreasonable delay of 17 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. In the course of the arguments, learned counsel for the petitioner submits that, he has challenged the constitutional validity of the amendment made to Section 5 of the PTCL Act in the year 2023. However, he submits that he does not press for the same. His submission is placed on record.

4. Respondent nos.4 to 7 though served have remained unrepresented. Notice to respondent no.8 is held sufficient.

5. Learned Additional Government Advocate appearing for respondent nos.1 to 3 justifies the impugned orders and prays for dismissal of the writ petition.



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6. 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.

7. The Hon'ble Apex Court in ***Nekkanti Rama Lakshmi vs. State of Karnataka and Another*** reported in ***(2020) 14 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 unreasonable delay in challenging the sale, it becomes fatal to the application made under Section 5 of the PTCL Act.

8. Admittedly, in the instant case there is a delay of around 17 years since the date of the first sale. The said delay is not explained and under the given facts and circumstances of the case, it has to be held as unreasonable.

9. Hence, the following:

ORDER

- (i) The impugned order dated 09.01.2003 passed by respondent no.3 bearing no.PTCL.2/98-99 vide Annexure-G to the writ petition is hereby set aside;



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- (ii) The impugned order dated 16.12.2022 passed by respondent no.2 bearing no.ಪಿಟಿಸಿಎಲ್-27/02-03 vide Annexure-H to the writ petition is hereby set aside;
- (iii) The application under Section 5 of the PTCL Act filed before respondent no.3 is hereby dismissed;
- (iv) The writ petition stands ***allowed*** accordingly;

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

PGG
List No.: 1 SI No.: 23