



CNR: KAHC010682052024

NC: 2026:KHC:36436
WP No. 32766 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 32766 OF 2024 (SCST)

BETWEEN:

1. SMT. GIRIYAMMA
W/O KALASIAH
AGED ABOUT 70 YEARS
R/AT YACHAGHATTA VILLAGE
KASABA HOBLI, KUNIGAL TALUK
TUMKURU DISTRICT-572 130.
2. SMT. NAGAMMA
W/O LAKKANNA
AGED ABOUT 70 YEARS
R/AT YACHAGHATTA VILLAGE
KASABA HOBLI, KUNIGAL TALUK
TUMKURU DISTRICT-572 130.

...PETITIONERS

(BY SRI. KUMARA K.G., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
TUMKURU DISTRICT
TUMKURU DISTRICT-572 101.
2. THE ASSISTANT COMMISSIONER
TUMKURU DISTRICT
TUMKURU DISTRICT-572 101.

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



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3. MR.MADHU
S/O NARASIMARAJU @ RAJU
AGED ABOUT 24 YEARS
R/AT K.R.S AGRAHARA
KUNIGAL TALUK
TUMKURU DISTRICT-572 130.
4. SMT.YASHODHA
W/O LATE NARASIMHA RAJU
AGED MAJOR
R/AT JAYAVARDHINI PRESS ROAD
BEHIND J.C.P, BYRAPPA ROAD
KUNIGAL TOWN
TUMKURU DISTRICT-57213.
5. SMT.NANDINI
D/O LATE NARASIMHA RAJU
AGED MAJOR
R/AT JAYAVARDHINI PRESS ROAD
BEHIND J.C.P, BYRAPPA ROAD
KUNIGAL TOWN
TUMKURU DISTRICT-57213.
6. MR. RAMESHA
S/O LATE NARASIMHA RAJU
AGED MAJOR
R/AT JAYAVARDHINI PRESS ROAD
BEHIND J.C.P, BYRAPPA ROAD
KUNIGAL TOWN
TUMKURU DISTRICT-57213.

...RESPONDENTS

(BY SRI. YOGESH D.NAIK, AGA FOR R1 AND R2;
SRI. HAREESH M., ADVOCATE FOR R3 TO R6 [ABSENT])



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THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 22.10.2024 PASSED BY THE DEPUTY COMMISSIONER, TUMKURU DISTRICT IN PTCL NO.01/22 VIDE ANNEXURE-J 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:

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 the year 1971 to the forefather of respondent nos.3 to 6, who happened to be a person belonging to Scheduled Caste/Scheduled Tribe community. There was non-alienation period for a period of 15 years. After the expiry of the said non-alienation period, however, without obtaining the necessary permission from the State as required under Section 4(2) of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short 'the PTCL Act'), the land has been sold in the year 1992 in favour of the petitioners. The said sale has been challenged in



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the year 2019 under Section 5 of the PTCL Act. Respondent no.2-Assistant Commissioner has passed the order allowing the said application and has ordered for restoration of the land in favour of respondent nos.3 to 6. Against the said order, the petitioners filed an appeal before respondent no.1-Deputy Commissioner, which has also been dismissed. Aggrieved by the same, the present writ petition is filed.

2. The case of the petitioners is that, the purchase has been made after the expiry of the non-alienation period and though the necessary permission has not been obtained from the State, the sale has been challenged after a lapse of 27 years, which is unreasonable and hence, the impugned orders are liable to be set aside based on the ratio laid down by 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***.

3. Learned counsel for respondent nos.3 to 6 is absent.



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4. Learned AGA appearing for respondent nos.1 and 2 justifies the impugned orders and prays for dismissal of the writ petition.

5. Admittedly, the land was granted in the year 1971 and after expiry of the non-alienation period, the same was sold for a valuable sale consideration in the year 1992. However, necessary permission under Section 4(2) of the PTCL Act has not been obtained. But it is seen that there has been a delay of 27 years in filing the application under Section 5 of the PTCL Act. The said delay has not been explained and under the given facts and circumstances of the case, the same has to be considered unreasonable. When there is an unreasonable delay, application under Section 5 of the PTCL Act cannot be entertained. This law has been laid down by 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***.



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6. As per the order passed by this Court in W.P.No.3597/2018, amendment which is carried out to Section 5 of the PTCL Act in the year 2023 will also not come to the rescue of respondent nos.3 to 6.

7. Further, petitioners fairly submit that, they do not intend to challenge the constitutional validity of the amendment which they have prayed for in the writ petition and that they would be satisfied if the orders passed by respondent nos.1 and 2 are set aside based upon the ratio laid down by this Court in W.P.No.3597/2018.

8. Hence, the following:

ORDER

- (i) The impugned order dated 30.08.2021 bearing No.ಪಿಟಿಸಿಎಲ್:02/2019-20 passed by respondent no.2 (vide Annexure-F to the writ petition) is hereby set aside;
- (ii) The impugned order dated 22.10.2024 bearing No.ಪಿಟಿಸಿಎಲ್-01/2022 passed by



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respondent no.1 (vide Annexure-J to the writ petition) is hereby set aside;

- (iii) The application under Section 5 of the PTCL Act made by respondent nos.3 to 6 before respondent no.2 is hereby dismissed;
- (iv) The writ petition stands ***allowed*** accordingly.

Sd/-
(M.I.ARUN)
JUDGE

PGG
List No.: 1 Sl No.: 22