



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JUNE, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT APPEAL NO.1649 OF 2023 (SCST)

BETWEEN:

1. SRI M. NATARAJA
S/O LATE MUNINARAYANAPPA
AGED 43 YEARS
2. SRI M. HARISH
S/O LATE MUNINARAYANAPPA
AGED 34 YEARS

BOTH R/AT KHAJISONENHALLI VILLAGE
BIDARHALLI HOBLI
BANGALORE EAST TALUK
BANGALORE-560 067

...APPELLANTS

(BY SRI. MURALI N, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
BENGALURU-560 009

Digitally
signed by
RAKSHA
Location:
High Court
of Karnataka



2. THE ASSISTANT COMMISSIONER
BENGALURU NORTH SUB-DIVISION
BENGALURU-560 009
3. SRI S K JAYARAM
S/O LATE B N KRISHNA REDDY
AGED 64 YEARS
R/AT NO. 158, SRINIDHI AURA
K G A ROAD, AMARJYOTHI LAYOUT
DOMLUR, BANGALORE-560 071
4. SMT NANJAMMA
D/O LATE KENCHI MARIYAPPA
AGED MAJOR
R/AT KANNAMANGALA
BIDARHALLI HOBLI
BANGALORE EAST TALUK
BANGALORE-560 067

...RESPONDENTS

(BY SRI. KHAMROZ KHAN, AGA FOR R1 AND R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE JUDGMENT DATED 06.11.2023 PASSED IN W.P.No.19013/2023 AND CONSEQUENTLY ALLOW THE K.SC.ST NO.95/2009-10.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T



ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This Writ Appeal is preferred against the Order dated 06.11.2023 passed by the learned Single Judge in Writ Petition No.19013/2023 (SCST).

2. We have heard Shri. Murali N, learned counsel appearing for the appellants and Shri. Khamroz Khan, learned Additional Government Advocate appearing for respondents No.1 and 2.

3. It is submitted by the learned counsel appearing for the appellants that land measuring 2 acres 10 guntas in Sy.No.100, Khajisonenhalli Village, Bidarahalli Hobli, Bengaluru, was granted free of cost by the State Government to Shri. T. Poojappa vide a Grant Order dated 07.11.1957. Pursuant to the grant, a saguvali chit was issued and the revenue records were mutated in his name. Upon his demise, the revenue entries were transferred to his wife, Smt. Kenchamma. Thereafter,



Smt. Kenchamma and her son Shri. Muninarayanappa executed a Sale Deed dated 23.11.1960 in favour of Smt. Nanjamma/respondent No.4 herein. Subsequently, the land was alienated to various purchasers and later Shri. S.K. Jayaram/respondent No.3 purchased the said land under a Sale Deed dated 22.09.1988.

4. Pursuant to the enactment of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 ("PTCL Act"), the appellants, being the grandchildren of the original grantee, filed an application under Section 5 of the PTCL Act before the Assistant Commissioner/respondent No.2 seeking restoration of the granted land in the year 2009. The application was dismissed by respondent No.2 by Order dated 22.08.2011 holding that the land had been granted to the original grantee at an upset price and that, in cases where land is granted for an upset price, no condition of restraining alienation could be imposed.



5. Aggrieved by the said order, the appellants preferred an appeal under Section 5A of the PTCL Act before the Deputy Commissioner/respondent No.1. By Order dated 11.01.2022, respondent No.1 dismissed the appeal, on the ground of delay in filing an application under Section 5 of the PTCL Act. The appellants approached this Court by filing Writ Petition No.19013/2023, challenging the legality of the impugned orders.

6. The learned Single Judge found that the authorities had dismissed the application for restoration on the finding that the initial grant was on upset price and on account of long unexplained delay. Even after the order passed by the Deputy Commissioner, there was a delay on the part of the writ petitioners in approaching the Court. It was noted that when the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) (Amendment) Act, 2023 came into force, on the basis of which the appellants had approached this Court, no



proceedings relating to the land in question were pending and the orders passed by the authorities had already attained finality. The writ proceedings were initiated only after the PTCL Amendment Act came into force. The learned Single Judge further held that the writ petitioners had failed to furnish any explanation for the delay in filing the writ petition.

7. The learned counsel appearing for the appellants contends that the learned Single Judge failed to appreciate the object and purpose of the amendments made to the PTCL Act, which were intended to protect members of the Scheduled Castes and Scheduled Tribes who had lost their granted lands owing to illiteracy, poverty and lack of legal awareness. Respondents No.3 and 4 derived unlawful benefit by purchasing land that was subject to a statutory prohibition against alienation and the creation of third-party interests. Such transactions, being contrary to law, could not have conferred any valid



title upon the purchasers and have caused substantial prejudice to the appellants.

8. It is further contended that the learned Single Judge erred in not considering the reasons stated by the writ petitioners for the delay. It is also contended that the alienations in favour of respondents No.3 and 4 were *void ab initio*, being contrary to the conditions of grant and hit by Section 23 of the Indian Contract Act, 1872, read with Section 4(2) of the PTCL Act. Permitting such alienations to subsist would defeat the very object of the PTCL Act, which seeks to protect granted lands from unlawful transfers. It is contended that all transactions effected in violation of the terms of the grant and Section 4(2) of the PTCL Act are null and void. Therefore, the learned Single Judge ought to have examined the legality of the impugned transactions on merits and granted appropriate relief, instead of dismissing the writ petition solely on the ground of delay and laches.



9. The learned Additional Government Advocate appearing for respondents No.1 and 2 submits that as on the date of the amendments to the PTCL Act, no proceedings relating to the subject land were pending before respondent No.1. The order passed by the Deputy Commissioner on 11.01.2022 had already attained finality. However, it is contended that the State has filed a review petition before the Apex Court in the case of ***Nekkanti Rama Lakshmi v. State of Karnataka and another*** reported in ***(2020) 14 SCC 232*** and the same is pending consideration.

10. We have considered the contentions advanced. It is an admitted fact that the grant was made by the State Government to Shri. T. Poojappa by a Grant Order dated 07.11.1957. After Shri. T. Poojappa's demise, Smt. Kenchamma, his wife and Shri. Muninarayanappa, his son executed a Sale Deed on 23.11.1960 in favour of respondent No.4. Subsequently, various alienations occurred and respondent No.3 purchased the land under



Sale Deed dated 22.09.1988. The application under Section 5 of the PTCL Act seeking restoration was filed only in the year 2009. It was rejected and an appeal preferred under Section 5A of the PTCL Act was also rejected by the Deputy Commissioner by Order dated 11.01.2022.

11. Section 4 of the PTCL Act reads as follows:-

"4. Prohibition of transfer of granted lands.- (1) *Notwithstanding anything in any law, agreement, contract or instrument, any transfer of granted land made either before or after the commencement of this Act, in contravention of the terms of the grant of such land or the law providing for such grant, or sub-section (2) shall be null and void and no right, title or interest in such land shall be conveyed or be deemed ever to have conveyed by such transfer.*

(2) *No person shall, after the commencement of this Act, transfer or acquire by transfer any granted land without the previous permission of the Government.*

(3) *The provisions of sub-sections (1) and (2) shall apply also to the sale of any land in execution*



of a decree or order of a civil court or of any award or order of any other authority."

12. Section 5 of the PTCL Act provided for an application by any interested person or on information given in writing by any person or *suo-motu*, an order to be passed by the Assistant Commissioner for restoration of such land. By the amendment on 27.07.2023, a clause was inserted in Section 5 of the PTCL Act stating that notwithstanding anything contained in any law, there shall be no limitation of time to invoke the provisions of the Act and that the provisions of clause (c) shall apply to all cases pending before all the competent authorities and all Courts of Law adjudicating the cases under this Section. It is therefore the contention of the appellants that since there was no limitation provided in the Act, the application preferred for restoration of the land ought to have been considered.

13. The Apex Court in the case of ***Nekkanti Rama Lakshmi***'s case (*supra*), has held that an application for



restoration and resumption of land should be filed within a reasonable time. A Division Bench of this Court in the case of ***Smt. Manjula and others v. The Deputy Commissioner and others*** passed in ***Writ Appeal No.210/2023 (SC-ST)*** by judgment ***dated 25.11.2024***, has further held that even after the amendment of the PTCL Act, where an application for restoration is made after the period of 12 years from the alleged sale, the principle of laches would apply and the said application for restoration cannot be considered after long years.

14. In the instant case, the delay in preferring the application is 49 years from the date of the Sale and 31 years from the date of enactment of the PTCL Act.

15. In the above factual situation, we are of the opinion that the Order of the learned Single Judge inasmuch as it refused to interfere with the rejection of the appeal filed under Section 5A of the PTCL Act requires no



interference. The present appeal therefore fails and the same is accordingly ***dismissed.***

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

cp*
List No.: 1 Sl No.: 3