



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 1953 OF 2025 (KLR-LG)

BETWEEN:

1. STATE OF KARNATAKA
THE SECRETARY TO GOVT.,
DEPARTMENT OF REVENUE,
M.S. BUILDING,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
DAKSHINA KANNADA DISTRICT,
STATE BANK ROAD,
MANGALURU - 575 001.
3. THE TAHSILDAR,
BANTWAL TALUK,
D.K. DISTRICT - 574 219.

...APPELLANTS

(BY SRI. B. RAVINDRANATH,AGA)

AND:

SAPHIA,
W/O. LATE ISAK,
AGED ABOUT 55 YEARS,
RESIDENT OF M.D. HOUSE,
POST. VOGGA,
KADUBETTU VILLAGE,
BANTWAL TALUK,
D.K. DISTRICT - 574 265.

...RESPONDENT



THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT,1961, PRAYING TO ALLOW THE WRIT APPEAL BY SETTING ASIDE THE ORDER DATED:11.09.2024 PASSED BY THE HON'BLE LEARNED SINGLE JUDGE IN WP NO.14418/2024(KLR-LG) AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The State and its instrumentalities are before us in this intra-Court appeal, calling in question the order dated 11.09.2024 passed by the Writ Court in W.P.No.14418/2024, on the question of imposing the condition of non-alienation as bad in law.

2. The parties are referred to as per their ranking before the Writ Court.

3. Facts germane to file the present appeal are as under:



3.1 By means of order dated 31.01.1959 (Annexure-A), land bearing Sy.No.89/1A4 measuring 04 Acres 36 Cents and Sy.No.64/1A1 measuring 26 Cents situated at Kadabettu Village, Bantwal Taluk, was granted temporarily in terms of the provisions contained in the South Kanara District Lease of Lands for Cashew Cultivation Rules, 1957¹, for the purpose of cashew cultivation. Rule 3(i) of the Rules of 1957, prescribes that the land shall be granted for 30 years lease with option to the lessee for its renewal on the expiry of the 30 years period in respect of those lessees who fulfill the terms and conditions of the grant, satisfactorily. Further, he was also given the option to acquire permanent ownership of the land on the expiry of 30 years on payment of the value of the land fixed at the time of the grant itself.

3.2 An application/ representation made by the father of the petitioner herein i.e., the original grantee,

¹ Rules of 1957, for short



immediately after expiry of 30 years, seeking permanent grant, but no orders were passed on the said application. Subsequent to the death of father of petitioner, the petitioner / legal heir of grantee, gave a representation seeking grant on permanent ownership basis. The concerned Deputy Commissioner rejected the said representation by means of an Endorsement dated 18.04.2015, which was the subject matter in W.P.No.30535/2015. The said Writ Petition was allowed vide order dated 13.07.2017, directing the second respondent to collect the price at the rate of 300 times of the land revenue payable per acre that was prevailing as on the date of grant and issue grant certificate in favor of the petitioner in a time bound manner.

3.3 The State unsuccessfully challenged the order in W.A.No.1270/2019, AS the appeal was dismissed as abated, However, no steps were taken in the Writ Appeal and the order passed by the Writ Court



attained finality. Thereafter, the Deputy Commissioner, in compliance of the order passed by the Writ Court in W.P.No.30535/2015, passed a Grant Order, however with a condition that the land shall not be alienated for a period of 25 years and shall be used only for growing cashew plants and not for any other purposes and the Tahsildar issued Grant Certificate imposing condition No.7 that the land shall not be alienated for period of 25 years and condition No.2 at Page No.2 that the land shall not be used for non-agricultural purposes for 2 years by order dated 10.06.2022. The clause imposed by the Deputy Commissioner, more particularly, Clause-4 i.e., condition of non-alienation was the subject matter of the present Writ Petition.

3.4 The Writ Court following the Judgment of this Court in W.P.No.27790/2016 disposed of on 27.02.2024, wherein the Writ Court has held that it would be impermissible for the Deputy Commissioner to invoke



Rule 9 of the Rules, 1969, to once again impose a condition of non-alienation for 25 years in terms of Rule 9, allowed the Writ Petition in terms of the order passed in W.P.No.27790/2016. It is this order passed by the Writ Court is called in question in this appeal by the State and its instrumentalities.

4. Heard, Sri.B.Ravindranath, learned Additional Government Advocate, appearing for the State.

5. Though several grounds were urged and argued by the learned AGA, to impress us that the order passed by the Writ Court is not sustainable in law, the question regarding the power to impose condition of non-alienation for further period of 25 years is no more *res-integra* in view of several Judgments passed by this Court, one such recent Judgment has been passed by the coordinate bench of this Court in W.A.No.1801/2024, disposed of on 23.10.2025. The coordinate Bench of this Court at Paragraph No.11 to 13, considering the power of the State



Authorities to impose conditions held that, non-alienation clause for further period is not only against the grant condition, but also against Rule 23(1) of the Karnataka Land Grant Rules, 1969. The paragraphs above stated, reads as under:

"11. Section 54 of the Transfer of Property Act, 1882 defines 'Sale', which means "a transfer of ownership in exchange for a price paid or promised or part paid and part promised." If the ownership is transferred then all the rights, title and interest get transferred. Transferee will not have any right to put any condition on a transfer of the immovable properties on sale, after the transferee has paid the consideration. Further, the condition of non alienation for a period 25 years is against explicit provision of the lease of the grant, as clause (2) of the grant explicitly provides that after expiry of 30 years, the grantee would be entitled to acquire permanent ownership over the land on payment of the value of the land.

12. Once the grantee has opted to become the permanent owner of the land, granted in his favour on payment of the market value of the land, which was determined to be ₹2,10,000/- per acre way back in the year 2012 and the grantee having paid the said consideration, imposition of condition for non alienation of the land for a further period of 25 years is not only against the grant condition but also against Rule 23(1) of



the Karnataka Land Grant Rules, 1969, which has been extracted herein above.

13. In view thereof, we are of the considered view that there is no error in the impugned judgment and order passed by the learned Single Judge. We therefore dismiss this appeal, however with costs."

6. In that view of the matter, we find no infirmity in the order passed by the Writ Court. The Writ Appeal sans merits and is accordingly, ***dismissed***.

In view of dismissal of the Writ Appeal, pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

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