IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF DECEMBER, 2020

R

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.21977/2013(SC – ST)
C/W
WRIT PETITION Nos.16153/2013, 21976/2013, 21978/2013, 21979/2013, 21980/2013(SC – ST)

IN WRIT PETITION NO.21977/2013:

BETWEEN

1. SRI KUMAR
   S/O. NARASAMMA
   AGED ABOUT 33 YEARS

2. SMT. NARASAMMA
   W/O. LATE CHIKKANARASIMHAIAH
   AGED ABOUT 75 YEARS

3. SMT. MAHADEVAMMA
   D/O. LATE CHIKKANARASIMHAIAH
   AGED ABOUT 45 YEARS

4. SMT. SUSHEELAMMA
   D/O. LATE CHIKKANARASIMHAIAH
   AGED ABOUT 43 YEARS

5. SRI. RAJU
   S/O. LATE CHIKKANARASIMHAIAH
   AGED ABOUT 31 YEARS

6. SMT. KAMALA
W/O. KUMAR
AGED ABOUT 26 YEARS

7. SMT. NIRMALA
W/O. RAJU
AGED ABOUT 25 YEARS

ALL ARE RESIDENTS OF
SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK
BENGALURU RURAL DISTRICT

REPRESENTED BY THE GENERAL
POWER OF ATTORNEY HOLDER
1ST PETITIONER
SRI. KUMAR
S/O. NARASAMMA
AGED ABOUT 33 YEARS
R/O. SHESHAGIRIHALLI
RAMANAGARA TALUK AND DISTRICT – 562 109
... PETITIONERS

[BY SRI. M.R. RAJAGOPAL, ADVOCATE
(VIDEO CONFERENCING)]

AND

1. STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF REVENUE
VIDHANA SOUDHA
BENGALURU – 560 001

2. THE DEPUTY COMMISSIONER
RAMANAGARA DISTRICT
RAMANAGARA-109

3. THE ASSISTANT COMMISSIONER
RAMANAGARA SUB-DIVISION
RAMANAGARA – 109

4. THE TAHASILDAR
RAMANAGARA SUB-DIVISION
RAMANAGARA – 109

5. THE SUB-REGISTRAR
RAMANAGARA TALUK
RAMANAGARA DISTRICT – 109

6. THE SUPERINTENDENT OF POLICE
RAMANAGARA DISTRICT
RAMANAGARA – 109

7. THE INSPECTOR OF POLICE
RAMANAGARA RURAL CIRCLE
RAMANAGARA – 109

8. THE SUB-INSPECTOR OF POLICE
BIDADI POLICE STATION
RAMANAGAR TALUK & DISTRICT – 109

9. THE TIBETIAN CHILDREN'S VILLAGE
HQRS: DHARMASHALA
CANNT – 1786216
KANGRA DISTRICT
HIMACHALA PRADESH
REPRESENTED BY ITS
ADMINISTRATIVE OFFICER
MR. TSERING DOGREE
S/O. LUNG TOK
AGED ABOUT 43 YEARS
R/O. SHESHAGIRIHALLY
HEJJALA POST, BIDADI HOBLI
RAMANAGARA TALUK
BENGALURU RURAL DISTRICT – 109

10. SRI. T. SURESH GOWDA
S/O. M. THIMME GOWDA
AGED 43 YEARS
RESIDING AT NO.65, VANIVILASA ROAD
BASAVANAGUDI
BENGALURU – 560 004

11. THE TIBETIAN CHILDREN'S
CO-OPERATIVE SOCIETY
SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK & DISTRICT
REPRESENTED BY ITS
CHIEF PROMOTER
TSERING DOGREE
S/O. LUNG TOK
AGED ABOUT 50 YEARS
R/O. SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK & DISTRICT

... RESPONDENTS

(BY SMT. SAVITHRAMMA, HCGP FOR R1-R8;
(PHYSICAL HEARING)
SRI. SUPREETH S., ADVOCATE AND
SRI. P. SRINIVASAIAH, ADVOCATE FOR R9;
(PHYSICAL HEARING)
SMT. DIVYA KRISHNA, ADVOCATE FOR R11;
(PHYSICAL HEARING)
R10- SERVED, UNREPRESENTED)]

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OR DECLARE THE SALE DEED DATED 29.09.2008 REGISTERED ON THE FILE OF THE R-5 VIDE BOOK NO.1 DOCUMENT DATED 17.11.2008 VIDE ANNEXURE-H AND ETC.

IN WRIT PETITION NO.16153/2013:

BETWEEN

SRI. RAMAIAH
SINCE DEAD BY HIS LRS

1. SMT. CHIKKA HANUMAKKA
   W/O. LATE RAMAIAH
   AGED 80 YEARS

2. SRI. VENKATACHALA
   S/O. LATE RAMAIAH
   AGED 65 YEARS

3. GUNDU HANUMAIAH
   S/O. LATE RAMAIAH
   AGED 52 YEARS

4. RAMACHANDRA
   S/O. LATE RAMAIAH
   AGED 51 YEARS

ALL ARE RESIDENTS OF
SHESHAGIRI COLONY
BIDADI HOBLI – 562 109
RAMANAGARA TALUK AND
DISTRICT

... PETITIONERS

[BY SRI. M.R. RAJAGOPAL, ADVOCATE
(VIDEO CONFERENCING)]

AND

1. THE STATE OF KARNATAKA
   BY ITS SECRETARY
   DEPARTMENT OF REVENUE
   VIDHANA SOUDHA

BENGALURU – 560 001

2. THE ASSISTANT COMMISSIONER
RAMANAGARA SUB DIVISION
RAMANAGARA – 571 511

3. THE THASILDAR
RAMANAGARA SUB-DIVISION
RAMANAGAR – 571 511

4. THE SUB-REGISTRAR
RAMANAGAR TALUK
RAMANAGAR DISTRICT – 571 511

5. THE SUPERINTENDENT OF POLICE
RAMANAGAR DISTRICT
RAMANAGAR – 571 511

6. THE INSPECTOR OF POLICE
RAMANAGAR RURAL CIRCLE
RAMANAGAR – 571 511

7. THE SUB-INSPECTOR OF POLICE
BIDADI POLICE STATION
RAMANAGAR TALUK & DISTRICT – 571 511

8. THE TIBETIAN CHILDREN'S VILLAGE
HQRS: DHARMASALA
CANTT – 1786216
KANGRA DISTRICT
HIMACHAL PRADESH
REPRESENTED BY ITS
ADMINISTRATIVE OFFICER
MR. TSERING DOGREE
S/O. LUNG TOK
AGED ABOUT 43 YEARS
R/O. SHESHAGIRIHALLY
HEJJALA POST, BIDADI HOBLI
RAMANAGARA TALUK

BENGALURU RURAL DISTRICT – 562 109

9. T. SURESH GOWDA
S/O. M. THIMME GOWDA
AGE 43 YEARS
RESIDING AT NO.65, VANIVILLASA ROAD
BASAVANAGUDI
BENGALURU – 560 004

10. THE TIBETIAN CHILDREN'S VILLAGE
CO-OPERATIVE SOCIETY (R)
SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK & DISTRICT
REPRESENTED BY ITS
CHIEF PROMOTER
TSERING DOGREE
S/O. LUNG TOK
AGE 50 YEARS
R/O. SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK & DISTRICT

... RESPONDENTS

[BY SMT. SAVITHRAMMA HCGP FOR R1-R7;
(PHYSICAL HEARING)
SRI. SUPREETH S., ADVOCATE AND
SRI. P. SRINIVASAIAH, ADVOCATE FOR R8;
(PHYSICAL HEARING)
SMT. DIVYA KRISHNA, ADVOCATE FOR R-10
(PHYSICAL HEARING)
R-9 SERVED, UNREPRESENTED]

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OR DECLARE THE SALE DEED DATED 22.09.2008 REGISTERED ON THE FILE OF THE R-4 VIDE DOCUMENT NO.RMN-1-02752-2008-9 IN CD NO.RMN83 DATED 01.10.2008 VIDE ANNEXURE-K AND ETC.

IN WRIT PETITION NO.21976/2013:

BETWEEN

1. SMT. NANJAMMA
   W/O. LATE HANUMAIAH
   AGED ABOUT 75 YEARS

2. SRI. GALA HANUMAIAH
   S/O. NANJAMMA
   AGED ABOUT 50 YEARS

3. SMT. PUTTAMMA
   W/O. GALA HANUMAIAH
   AGED ABOUT 45 YEARS

4. SRI. PRAVEENA KUMAR
   S/O. GALA HANUMAIAH
   AGED ABOUT 28 YEARS

5. SMT. GEETHA
   D/O. GALA HANUMAIAH
   AGED ABOUT 25 YEARS

6. SMT. SUKANYA
   D/O. GALA HANUMAIAH
   AGED ABOUT 27 YEARS

7. SRI. PRASHANTH KUMAR
   S/O. GALA HANUMAIAH
   AGED ABOUT 25 YEARS

8. SMT. MANJULA
   D/O. GALA HANUMAIAH
   AGED ABOUT 23 YEARS

9. SRI. MARAKKA
   D/O. NANJAMMA
   AGED ABOUT 48 YEARS

10. SMT. MUNESHAMMA
D/O. NANJAMMA
AGED ABOUT 45 YEARS

ALL ARE RESIDENTS OF SHESHAGIRIHALLI
BIDADI HOBLI, RAMANAGARA TALUK
BENGALURU RURAL DISTRICT

REPRESENTED BY THE GENERAL POWER
OF ATTORNEY HOLDER 2ND PETITIONER
SRI. GALA HANUMAIAH
S/O. HANUMAIAH
AGED ABOUT 50 YEARS
R/O. SHESHAGIRIHALLI
RAMANAGARA TALUK AND DISTRICT - 109
... PETITIONERS

[BY SRI. M.R. RAJAGOPAL, ADVOCATE
(VIDEO CONFERENCING)]

AND

1. STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF REVENUE
VIDHANA SOUDHA
BENGALURU – 560 001

2. THE DEPUTY COMMISSIONER
RAMANAGARA DISTRICT
RAMANAGARA-109

3. THE ASSISTANT COMMISSIONER
RAMANAGARA SUB-DIVISION
RAMANAGARA – 109

4. THE TAHASILDAR
RAMANAGARA SUB-DIVISION
RAMANAGARA – 109

5. THE SUB-REGISTRAR
RAMANAGARA TALUK
RAMANAGARA DISTRICT – 109

6. THE SUPERINTENDENT OF POLICE
RAMANAGARA DISTRICT
RAMANAGARA – 109

7. THE INSPECTOR OF POLICE
RAMANAGARA RURAL CIRCLE
RAMANAGARA – 109

8. THE SUB-INSPECTOR OF POLICE
BIDADI POLICE STATION
RAMANAGAR TALUK & DISTRICT – 109

9. THE TIBETIAN CHILDREN'S VILLAGE
HQRS: DHARMASHALA
CANNT – 1786216
KANGRA DISTRICT
HIMACHALA PRADESH
REPRESENTED BY ITS
ADMINISTRATIVE OFFICER
MR. TSERING DOGREE
S/O. LUNG TOK
AGED ABOUT 43 YEARS
R/O. SHESHAGIRIHALLY
HEJJALA POST, BIDADI HOBLI
RAMANAGARA TALUK
BENGALURU RURAL DISTRICT – 109

10. SRI. T. SURESH GOWDA
S/O. M. THIMME GOWDA
AGED 43 YEARS
RESIDING AT NO.65, VANIVILASA ROAD
BASAVANAGUDI
BENGALURU – 560 004

11. THE TIBETIAN CHILDREN'S VILLAGE

CO-OPERATIVE SOCIETY (R)
SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK & DISTRICT
REPRESENTED BY ITS
CHIEF PROMOTER
TSERING DOGREE
S/O. LUNG TOC
AGE 50 YEARS
R/O. SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK & DISTRICT

... RESPONDENTS

[BY SMT. SAVITHRAMMA HCGP FOR R1-R8;
(PHYSICAL HEARING)
SRI. SUPREETH S., ADVOCATE AND
SRI. P. SRINIVASAIAH, ADVOCATE FOR R9;
(PHYSICAL HEARING)
SMT. DIVYA KRISHNA, ADVOCATE FOR R-11
(PHYSICAL HEARING)]

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OR DECLARE THE SALE DEED DATED 26.09.2008 REGISTERED ON THE FILE OF THE R-5 VIDE BOOK NO.1 DOCUMENT DATED 19.11.2008 VIDE ANNEXURE-J AND ETC.

IN WRIT PETITION NO.21978/2013

BETWEEN

1. SRI. RADHAKRISHNA
S/O. THURUMALAIAH
AGED ABOUT 37 YEARS

2. SRI. MOTAPPA
S/O. LATE NARAYANAPPA

AGED ABOUT 75 YEARS

3. SRI. THIRUMALAIAH
S/O. LATE NARAYANAPPA
AGED ABOUT 73 YEARS

4. SMT. MUTHAHANUMAKKA
W/O. LAKSHMAIAH
AGED ABOUT 55 YEARS

5. SMT. NANJAMMA
W/O. LATE RAMAIAH
AGED ABOUT 57 YEARS

6. SMT. YELLAMMA
D/O. NARAYANAPPA
AGED ABOUT 57 YEARS

7. SMT. VENKATALAKSHMAMMA
D/O. NARAYANAPPA
AGED ABOUT 55 YEARS

8. SMT. PUTTAVENKATAMMA
W/O. MOTAIAH
AGED ABOUT 65 YEARS

9. SMT. VENKATESH
S/O. MOTAIAH
AGED ABOUT 47 YEARS

10. SRI. SOMESH
S/O. MOTAIAH
AGED ABOUT 39 YEARS

11. SMT. NARASAMMA
S/O. THIRUMALAIAH
AGED ABOUT 45 YEARS

12. SRI. DEVARAJU
S/O. THIRUMALAIAH
AGED ABOUT 45 YEARS

13. SRI. SURESH
S/O. LATE LAKSHMAIAH
AGED ABOUT 41 YEARS

14. SRI. SIDDARAJU
S/O. LATE LAKSHMAIAH
AGED ABOUT 37 YEARS

15. SRI. SOMASHEKAR
S/O. LAKSHMAIAH
AGED ABOUT 31 YEARS

16. SRI. ANIL
S/O. RAMAIAH
AGED ABOUT 30 YEARS

ALL ARE RESIDENTS OF
SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK
BENGALURU RURAL DISTRICT

REPRESENTED BY THE
GENERAL POWER OF ATTORNEY HOLDER
1ST PETITIONER
SRI. RADHAKRISHNA
S/O. THIRUMALAIAH
AGED ABOUT 37 YEARS
R/O. SHESHAGIRIHALLI
RAMANAGARA TALUK AND DISTRICT

... PETITIONERS

[BY SRI. M.R. RAJAGOPAL, ADVOCATE
(VIDEO CONFERENCING)]

AND

1. STATE OF KARNATAKA
   BY ITS SECRETARY
   DEPARTMENT OF REVENUE
   VIDHANA SOUDHA
   BENGALURU – 560 001

2. THE DEPUTY COMMISSIONER
   RAMANAGARA DISTRICT
   RAMANAGARA-109

3. THE ASSISTANT COMMISSIONER
   RAMANAGARA SUB-DIVISION
   RAMANAGARA – 109

4. THE TAHASILDAR
   RAMANAGARA SUB-DIVISION
   RAMANAGARA – 109

5. THE SUB-REGISTRAR
   RAMANAGARA TALUK
   RAMANAGARA DISTRICT – 109

6. THE SUPERINTENDENT OF POLICE
   RAMANAGARA DISTRICT
   RAMANAGARA – 109

7. THE INSPECTOR OF POLICE
   RAMANAGARA RURAL CIRCLE
   RAMANAGARA – 109

8. THE SUB-INSPECTOR OF POLICE
   BIDADI POLICE STATION
   RAMANAGAR TALUK & DISTRICT – 109

9. THE TIBETIAN CHILDREN'S VILLAGE
   HQRS: DHARMASHALA
   CANNT – 1786216

KANGRA DISTRICT
HIMACHALA PRADESH
REPRESENTED BY ITS
ADMINISTRATIVE OFFICER
MR. TSERING DOGREE
S/O. LUNG TOK
AGED ABOUT 43 YEARS
R/O. SHESHAGIRIHALLY
HEJJALA POST, BIDADI HOBLI
RAMANAGARA TALUK
BENGALURU RURAL DISTRICT – 109

10. SRI. T. SURESH GOWDA
S/O. M. THIMME GOWDA
AGED 43 YEARS
RESIDING AT NO.65, VANIVILASA ROAD
BASAVANAGUDI
BENGALURU – 560 004

11. THE TIBETIAN CHILDREN'S VILLAGE
CO-OPERATIVE SOCIETY (R)
SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK & DISTRICT
REPRESENTED BY ITS
CHIEF PROMOTER
TSERING DOGREE
S/O. LUNG TOC
AGED ABOUT 50 YEARS
R/O. SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK & DISTRICT

... RESPONDENTS

(BY SMT. SAVITHRAMMA HCGP FOR R1-R8;
(PHYSICAL HEARING)
SRI. SUPREETH S., ADVOCATE AND
SRI. P. SRINIVASAIAH, ADVOCATE FOR R9;
(PHYSICAL HEARING)

SMT. DIVYA KRISHNA, ADVOCATE FOR R-11
R10 – SERVED, UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OR TO DECLARE THE SALE DEED DATED 26.09.2008 REGISTERED ON THE FILE OF THE R-4 VIDE BOOK NO.1 DOCUMENT DATED 17.11.2008 VIDE ANNEXURE-J AND ETC.

IN WRIT PETITION NO.21979/2013

BETWEEN

. 1. SMT. MANGAMMA
W/O. LATE VENKATAPPA
AGED ABOUT 65 YEARS

2. SMT. LAKSHMAMMA
D/O. LATE VENKATAPPA
AGED ABOUT 45 YEARS

3. SRI. ANJANAPPA
S/O. LATE VENKATAPPA
AGED ABOUT 46 YEARS

4. SMT. GOWRAMMA
D/O. LATE VENKATAPPA
AGED ABOUT 43 YEARS

5. SRI. VENKATARAMANAPPA
S/O. LATE VENKATAPPA
AGED ABOUT 30 YEARS

6. SMT. BHAGYAMMA
D/O. LATE VENKATAPPA
AGED ABOUT 30 YEARS

7. SRI. RAJESH
S/O. LATE VENKATAPPA
AGED ABOUT 27 YEARS

8. SMT. SAKAMMA
W/O. ANJANAPPA
AGED ABOUT 35 YEARS

9. SMT. NAGAMMA
W/O. VENKATARAMANAPPA
AGED ABOUT 30 YEARS

ALL ARE RESIDENTS OF
SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK
BENGALURU RURAL DISTRICT – 560 019

REPRESENTED BY THE
GENERAL POWER OF ATTORNEY HOLDER
1ST PETITIONER
SMT. MANGAMMA
W/O. LATE VENKATAPPA
AGED ABOUT 65 YEARS
R/O. SHESHAGIRIHALLI
RAMANAGARA TALUK AND DISTRICT

... PETITIONERS

[BY SRI. M.R. RAJAGOPAL, ADVOCATE
(VIDEO CONFERENCING)]

AND

1. STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF REVENUE
VIDHANA SOUDHA
BENGALURU – 560 001

2. THE DEPUTY COMMISSIONER
RAMANAGARA DISTRICT
RAMANAGARA-560 018

3. THE ASSISTANT COMMISSIONER
RAMANAGARA SUB-DIVISION
RAMANAGARA – 560 018

4. THE TAHASILDAR
RAMANAGARA SUB-DIVISION
RAMANAGARA – 560 018

5. THE SUB-REGISTRAR
RAMANAGARA TALUK
RAMANAGARA DISTRICT – 560 018

6. THE SUPERINTENDENT OF POLICE
RAMANAGARA DISTRICT
RAMANAGARA – 560 018

7. THE INSPECTOR OF POLICE
RAMANAGARA RURAL CIRCLE
RAMANAGARA – 560 018

8. THE SUB-INSPECTOR OF POLICE
BIDADI POLICE STATION
RAMANAGAR TALUK & DISTRICT – 560 018

9. THE TIBETIAN CHILDREN'S VILLAGE
HQRS: DHARMASHALA
CANNT – 1786216
KANGRA DISTRICT
HIMACHALA PRADESH – 560 184
REPRESENTED BY ITS
ADMINISTRATIVE OFFICER
MR. TSERING DOGREE
S/O. LUNG TOK
AGED ABOUT 43 YEARS
R/O. SHESHAGIRIHALLY

HEJJALA POST, BIDADI HOBLI
RAMANAGARA TALUK
BENGALURU RURAL DISTRICT – 560 018

10. SRI. T. SURESH GOWDA
S/O. M. THIMME GOWDA
AGED 43 YEARS
RESIDING AT NO.65, VANIVILASA ROAD
BASAVANAGUDI
BENGALURU – 560 004

11. THE TIBETIAN CHILDREN'S VILLAGE
CO-OPERATIVE SOCIETY (R)
SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK & DISTRICT
REPRESENTED BY ITS
CHIEF PROMOTER
TSERING DOGREE
S/O. LUNG TOK
AGED 50 YEARS
R/O. SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK & DISTRICT

... RESPONDENTS

(BY SMT. SAVITHRAMMA HCGP FOR R1-R8;
(PHYSICAL HEARING)
SRI. SUPREETH S., ADVOCATE AND
SRI. P. SRINIVASAIAH, ADVOCATE FOR R9;
(PHYSICAL HEARING)
SMT. DIVYA KRISHNA, ADVOCATE FOR R-11
R10 – SERVED, UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OR TO DECLARE THAT SALE DEED DATED 26.09.2008 REGISTERED ON THE FILE OF THE R4 VIDE

BOOK NO.1 DOCUMENT DATED 19.11.2008 AS PER ANNEXURE-H AND ETC.

IN WRIT PETITION NO.21980/2013:

BETWEEN

1. SMT. SIDDAMMA
   W/O. LATE MUNISHAMAPPA
   AGED ABOUT 70 YEARS

2. SMT. BHAGYAMMA
   W/O. LATE RACHAIAH
   AGED ABOUT 43 YEARS

3. SRI. DHARMASENA
   S/O. LATE RACHAIAH
   AGED ABOUT 25 YEARS

4. SRI. LINGARAJU
   S/O. LATE RACHAIAH
   AGED ABOUT 23 YEARS

THE PETITIONERS 1 TO 4 ARE
REPRESENTED BY THE
2ND PETITIONER AS GENERAL POWER OF
ATTORNEY HOLDER

ALL ARE REISIDING AT
SESHAGIRIHALLI COLONY
BIDADI HOBLI
RAMANAGAR TALUK & DISTRICTI – 560 018
... PETITIONERS

[BY SRI. M.R. RAJAGOPAL, ADVOCATE
(VIDEO CONFERENCING)]

AND

1. STATE OF KARNATAKA
   BY ITS SECRETARY
   DEPARTMENT OF REVENUE
   VIDHANA SOUDHA
   BENGALURU – 560 001

2. THE DEPUTY COMMISSIONER
   RAMANAGARA DISTRICT
   RAMANAGARA-560 018

3. THE ASSISTANT COMMISSIONER
   RAMANAGARA SUB-DIVISION
   RAMANAGARA – 560 018

4. THE TAHASILDAR
   RAMANAGARA SUB-DIVISION
   RAMANAGARA – 560 018

5. THE SUB-REGISTRAR
   RAMANAGARA TALUK
   RAMANAGARA DISTRICT – 560 018

6. THE SUPERINTENDENT OF POLICE
   RAMANAGARA DISTRICT
   RAMANAGARA – 560 018

7. THE INSPECTOR OF POLICE
   RAMANAGARA RURAL CIRCLE
   RAMANAGARA – 560 018

8. THE SUB-INSPECTOR OF POLICE
   BIDADI POLICE STATION
   RAMANAGAR TALUK & DISTRICT – 560 018

9. THE TIBETIAN CHILDREN'S VILLAGE
   HQRS: DHARMASHALA
   CANNT – 1786216

KANGRA DISTRICT
HIMACHALA PRADESH
REPRESENTED BY ITS
ADMINISTRATIVE OFFICER
MR. TSERING DOGREE
S/O. LUNG TOK
AGED ABOUT 43 YEARS
R/O. SHESHAGIRIHALLY
HEJJALA POST, BIDADI HOBLI
RAMANAGARA TALUK
BENGALURU RURAL DISTRICT – 560 064

10. SRI. T. SURESH GOWDA
S/O. M. THIMME GOWDA
AGED 43 YEARS
RESIDING AT NO.65, VANIVILASA ROAD
BASAVANAGUDI
BENGALURU – 560 004

11. THE TIBETIAN CHILDREN'S VILLAGE
CO-OPERATIVE SOCIETY (R)
SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK & DISTRICT
REPRESENTED BY ITS
CHIEF PROMOTER
TSERING DOGREE
S/O. LUNG TOC
AGED 50 YEARS
R/O. SHESHAGIRIHALLI
BIDADI HOBLI
RAMANAGARA TALUK & DISTRICT

... RESPONDENTS

(BY SMT. SAVITHRAMMA HCGP FOR R1-R8;
(PHYSICAL HEARING)
SRI. SUPREETH S., ADVOCATE AND
SRI. P. SRINIVASAIAH, ADVOCATE FOR R9;
(PHYSICAL HEARING)

SMT. DIVYA KRISHNA, ADVOCATE FOR R-11
R10 – SERVED, UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OR TO DECLARE THE SALE DEED DATED 22.09.2008 REGISTERED ON THE FILE OF THE R5 VIDE BOOK NO.1 DOCUMENT DATED 27.09.2008 VIDE ANNEXURE-L AND ETC.

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Agglomeration of these petitions raise a challenge to the sale deeds executed by the original grantee, on different dates, in different petitions, but on a solitary score that the sale has taken place in contravention of the provisions of the Karnataka Scheduled Caste and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (hereinafter referred to as 'the said Act' for short).

2. For the sake of convenience, the facts in writ petition No.21977/2013 is narrated as the facts of

the cases in all other are similar except the names of the grantee.

3. The brief facts leading to the filing of present writ petitions are that, a land measuring about 3 acres in Sy.No.77/50 (old) and Sy.No.105 (new) of Sheshagiri Village, Bidadi Hobli, Ramanagar Taluk, was granted to one Narayanappa on 31.05.1978.

4. The original grantee himself applied for conversion of the agricultural land to non-agricultural purposes and was granted by an order of the authority dated 27.05.1994, pursuant to the conversion of the land, the original grantee sold the land on 07.04.2004 in favour of one T. Suresh Gowda. Immediately after the sale, filed an application before the Assistant Commissioner in the year 2005, invoking the provisions of the said Act seeking annulment of the

sale on the ground that, it was in violation of Section 4(2) of the said Act.

5. The Assistant Commissioner, by his order dated 09.06.2006, declined to accept the claim of the original grantee seeking resumption of land on the score that the land was sold after the condition of non-alienation was over, which was 15 years as stipulated in the grant certificate dated 31.05.1978. The original grantee challenged the order of the Assistant Commissioner before the Deputy Commissioner and the Deputy Commissioner accepting the claim of the original grantee, set aside the order of the Assistant Commissioner and directed resumption of land in favour of the legal heirs of the original grantee by his order dated 10.07.2007.

6. This order of the Deputy Commissioner was called in question by the purchasers before this Court

in W.P.No.15519/2007 and this Court granted an interim order of stay of the order of the Deputy Commissioner. During the pendency of the said writ petition, the original grantee again sold the land in favour of the purchasers - The Tibetain Children's Co-operative Society, who were the purchasers from the original purchaser, Sri.T.Suresh Gowda.

7. The petitioners in writ petition No.15519/2007, who are the purchasers of the property from T. Suresh Gowda, filed a memo before this Court seeking disposal of the writ petition on the ground that it has become infructuous for the reason that the original grantee has again sold the land or the purchasers have purchased the granted land again during the pendency of the writ petition. In view of the said memo filed, the writ petition was disposed of as having become infructuous by an order dated 18.12.2008.

8. After the disposal of the writ petition, the legal heirs of the original grantee have now filed this writ petition again seeking annulment of the sale dated 29.09.2008, which came about during the pendency of the earlier writ petition after the order of the Deputy Commissioner directing restoration of land in favour of the original grantee.

9. Heard the learned counsel, Sri. M.R. Rajagopal, appearing for the petitioners, the learned HCGP, Smt. Savithramma, appearing for respondent Nos.1 to 8, the learned counsel, Sri. Supreeth S., and the learned counsel, Sri. P. Srinivasaiah, appearing for respondent No.9, the learned counsel, Smt. Divya Krishna, appearing for respondent No.11.

10. In W.P.Nos.16153-156/2013, the third petitioner died on 17.02.2017, but the others in writ

petitions, who are legal heirs of the original grantees have represented the cause.

11. Learned counsel, Sri. M.R. Rajagopal appearing for the petitioner – legal heirs of the original grantee in all these cases has advanced the following submissions:

i. The sale deed dated 29.09.2008, which is called in question is a nullity in law as it is in contravention of Section 6 of the said Act as no registering authority has the power to accept a document brought for registration, whose property is a granted land.

ii. The conversion that took place in the year 1994 is of no avail in the light of the order passed by the Deputy Commissioner directing resumption of land.

iii. Disposal of W.P.No.15519/2007 as having become infructuous did not efface the order of the Deputy Commissioner directing resumption of land and the land still vested with the grantees.

iv. Any act done by the grantee either entering into a sale or an agreement to sell in contravention with the provisions of the said Act is deemed to be a nullity.

12. The learned counsel appearing for respondent No.9 – Sri. Supreeth S., who was the subsequent purchaser from the purchaser of the original grantee – T. Suresh Gowda would submit that the order of conversion was noted in the sale deed dated 29.09.2008 and a further noting with regard to the purchase that was made earlier by a Co-operative Society, which has exemption from application of the

said Act in terms of Section 3 of the said Act, the registering authority has committed no error in registering the document brought before it for registration and would also take this Court through the subsequent act of the legal heirs of the original grantee entering into agreement to sell with third parties during the pendency of these writ petitions to demonstrate the conduct of the petitioners.

13. Learned counsel appearing for respondent No.11, Smt. Divya Krishna, who was the purchaser of the property from the hands of the original grantee, who was initially not made a party but was subsequently impleaded into these proceedings, would contend that the cause of action arose seeking annulment of the sale deed in the year 2009 and the impleadment of the said respondent having happened only in the year 2017, the very petition is hit by delay. Insofar as respondent No.11 is concerned, what is

sought to be annulled is the sale to which respondent No.11 is a party.

14. Learned HCGP, Smt. Savithramma would submit that the lands have to be restored in favour of the Government for the conduct of the legal heirs of the original grantee in entering into repeated sales, which would not enure to the benefit of restoration by annulling the sale deeds that are called in question in these cases.

15. I have given my anxious consideration to the submissions made by the respective learned counsel appearing for the parties and perused the material on record.

16. The dates and events are not in dispute. All these lands were granted to persons belonging to Scheduled Caste/Scheduled Tribes under the provisions of the said Act on 31.05.1978. The extent

and the original grantees differ. The grant was made on 31.05.1978 in all these cases directing that the grantee shall not alienate the land for a period of 15 years.

17. Immediately, after the condition of the non-alienation was over, the original grantee applies for conversion of the land from agricultural to non-agricultural purposes in the year 1994. The competent authority granted conversion of the land by his order dated 27.05.1994, thus, from 27.05.1994, character of the land being agriculture was changed to being non-agriculture and this act of getting the land converted is by the original grantee himself.

18. The original grantee then sold the land to respondent No.10 - T. Suresh Gowda on 07.04.2004 to respondent No.10 herein after which the original grantee approached the Assistant Commissioner

invoking the provisions of the said Act with particular reference to Section 4(2) of the said Act contending that the land has to be resumed in favour of the legal heirs of the original grantee as the land was sold in contravention of the said Act, in the year 2005. The Assistant Commissioner, by his order dated 09.06.2006, declined to accept the plea of the legal heirs of the original grantee on the ground that the land was converted by the original grantee himself in the year 1994 and the land having lost its character of being agriculture, the grantee had no right to seek resumption of the land.

19. This order was challenged before the Deputy Commissioner and the Deputy Commissioner accepting the plea of the legal heirs of the original grantee, set aside the order of the Assistant Commissioner and resumed the land in favour of the legal heirs of the original grantee by his order dated

10.07.2007. The purchasers - The Tibetain Children's Co-operative Society, who are in possession of the property by virtue of a subsequent sale by the purchaser of the granted land from the hands of the original grantee challenged the said order of the Deputy Commissioner before this Court in W.P.No.15519/2007. This Court, by an order dated 01.10.2007, directed maintenance of status quo by following order:

> *"Learned Additional Government Advocate takes notice for respondents 1 and 2.*
>
> *Heard the learned senior counsel appearing for the petitioner. It is submitted by him that the question raised in this writ petition is similar to the one that is raised in W.P.No.15294/2007. He further submits that this Court has granted an interim order in the said writ petition on 27.09.2007.* ***In view of the submission made by the learned counsel***

> ***and having regard to the fact that in similar and connected matter this Court has granted an interim order, the parties in this writ petition are directed to maintain status quo in relation to the property involved in the matter for a period of eight weeks.”***

(emphasis supplied)

20. During the pendency of the writ petition, the legal heirs of the original grantee entered into another sale dated 29.09.2008 with the purchaser - The Tibetain Children’s Co-operative Society, who had purchased the land from the purchaser – T. Suresh Gowda from the original grantee, through its sale deed dated 07.04.2004. It is the sale deed dated 29-09-2008 that is called in question before this Court.

21. The first contention of the learned counsel for the petitioner is that the sale deed dated 29.09.2008 could not have been registered in the light

of the prohibition for such registration under Section 6 of the said Act. Section 6 of the said Act, reads as follows:

> *"Section 6.* ***Prohibition of Registration of Transfer of Granted Lands****: Notwithstanding anything in the Registration Act, 1908, on or after the commencement of this Act, no registering officer shall accept for registration any document relating to the transfer of, or to the creation of any interest in, any granted land included in a list of granted lands furnished to the registering officer except where such transfer is in accordance with this Act or the terms of the grant of such land or the law providing for such grant."*

22. For a consideration of the case at hand on the touch stone of Section 6 of the said Act, certain dates and events are required to be noticed i.e., the conversion of the land from agriculture to non-agricultural purposes by the grantee himself and the

sale deed dated 07.04.2004 by which, the original grantee sold the land and the purchase of the land again from the hands of the original grantee on 29.09.2008 by a Co-operative Society. The registering authority did consider the embargo under Section 6 of the said Act as could be gathered from the recitals in the sale deed. The recitals of the sale deed which assumes significance for the reason that the *lis* revolves round the registration of the said document. In the sale deed, two important recitals, which are germane for a consideration of the issue brought in the lis are as follows:

> *"ii.* ***WHEREAS*** *the* ***VENDORS*** *herein have represented that the* ***SCHEDULE PROPERTY*** *has been converted from Agricultural to non-agricultural purposes through a Conversion order of the Assistant Commissioner, no.ALN.SR.132/93-94 DATED 27.5.1994.*

v. ***WHEREAS*** *the* ***VENDORS*** *represent that the Genealogical tree issued by the village accountant, which has been handed over to the* ***VENDERS*** *on this day of execution of the* ***ABSOLUTE DEED OF SALE*** *is true and correct.*

vi. ***WHEREAS*** *the* ***VENDORS*** *hereby acknowledge that this* ***DEED OF SALE*** *is entered to a fresh only in order to overcome the technical flaw that the transfer of any granted land must be made directly to a Co-operative society* ***in view of the provisions of the Karnataka Schedule Caste and Tribe (Prohibition of Transfer of Certain Lands) Act, 1978 and that the sale consideration for transaction of transfer has already been received on 30.5.1994 itself.***"

(emphasis supplied)

In terms of the afore-extracted recitals of the sale deed, the registering authority, after noticing the fact that the land was purchased by a Co-operative Society and there was no impediment under Section 6 of the said Act to register a document, as section 7 exempted the application of the said Act . Section 7 of the said Act reads as follows:

> *"Section 7 - **Exemption**: Nothing in this Act shall apply to the transfer of granted lands in favour of the Government the Central Government, a local authority or a bank either before or after the commencement of this Act."*

In terms of Section 7 of the said Act, the application of the said Act is exempted when the purchase made by the Government, a local authority or a bank.

23. Section 3(1)(a)(i) of the said Act defines what is a bank and would clearly indicate a Co-operative Society or a Co-operative bank to be a bank. Thus, in terms of Section 7 of the said Act, the purchase of the granted land again from the hands of the grantee during the pendency of earlier writ petition was by a Co-operative Society. Therefore, on both the counts of the land being converted and sold way back in the year 2004, there was no impediment for the registering authority to register the document brought before it i.e. sale deed dated 29.09.2008. For the aforesaid reasons, the argument of the learned counsel appearing for the grantee deserves to be rejected and is rejected.

24. The next submission of the learned counsel for the grantee is that, the conversion that the original grantee himself applied and got, will be of no consequence in the light of the order of the Deputy

Commissioner annulling the sale and directing resumption of land. This submission of the learned counsel is also unfounded as the intention of the original grantee was never to use the land for which he was granted – agricultural purposes. The intention of the original grantee has always been to indulge in commerce with the granted land. Therefore, the order of the Deputy Commissioner resuming the land in the favour of the original grantee will not enure to the benefit of the original grantee, in the light of the judgment of the Co-ordinate Bench of this Court in the case of ***THE TIBETIAN CHILDREN'S VILLAGE Vs. DEPUTY COMMISSIONER AND OTHERS*** in W.P.No.15802/2007 dated 07.04.2019 which reads as follows:

> *"3. Since the competent authorities under the Act have taken a divergent view of the matter, this Court will have to take note of both the orders and arrive at a*

conclusion as to the consideration as made therein. Insofar as the fact that the property in question was granted through Darkhast order dated 17.02.1978 is the undisputed position. The Saguvali Chit was issued on 31.05.1978 with a condition that the property shall not be alienated for a period of 15 years. ***The grantee himself after the non-alienation period of 15 years had filed an application seeking conversion of the land for residential purpose and the same was approved by the order dated 27.05.1994. It is subsequent thereto the sale has been made in favour of the vendor of the petitioner on 04.06.1994 and the petitioner has thereafter purchased on 25.06.1994. In the present circumstance what is necessary to be noticed is that the grant as made initially was for the agricultural purpose and at the point when the violation of the provisions of the Act would be alleged, the power provided under the Act is also to set aside such transaction, forfeit the land and restore it***

to the grantee. *The object being that the purpose of the grant should be achieved inasmuch as the persons belonging to the lower strata of society who are granted such land to carry out the avocation, the protection should also be available so that the transactions which are made contrary to the provisions of the Act is to be set aside so that the purpose of the grant would be achieved in such manner.*

4. If that aspect of the matter is kept in view and the instant facts are perused, ***the grantee himself had given up the use of land for agricultural purpose and had applied for grant of conversion of the land after the embargo on alienation for 15 years had lapsed.*** *In the process of granting the conversion order, the competent authorities were required to take note of these aspects of the matter and in that light when the conversion of the land is granted,* ***the permission of alienating the property is deemed to have been granted. In such circumstances,***

whereupon the converted land is alienated violation of the provision of the Act would not arise. *Therefore the consideration as made by the Assistant Commissioner in the present facts and circumstance relating to the conversion order being granted on 27.05.1994 and the sale having taken place subsequent thereto on 04.06.1994 would indicate that the sale was after such period and the violation as contemplated under the Act had not occurred.*

5. If the consideration as made by the Assistant Commissioner is kept in view and the reason assigned by the Deputy Commissioner is taken into consideration, the reason would not justify the action inasmuch as the land had been converted. Even though as observed by the Deputy Commissioner the provision contained in Sections 4 and 5 of the Act do not refer to these aspects of the matter, as already noticed the conversion was made after the embargo on alienation had ceased and

thereafter the property had been sold and as such the fact situation is not the normal circumstance.

6. In that view of the matter, I am of the opinion that the order dated 10.07.2007 passed by the Deputy Commissioner is not justified. The same is accordingly quashed. Consequently the order dated 09.06.2006 passed by the Assistant Commissioner is restored."

(emphasis supplied)

The afore-extracted order was a case concerning an adjacent land, that had been granted to a different grantee but sold to the same purchaser – The Tibetian Children's Co-operative Society on the same date . The aforesaid order of the Co-ordinate Bench, which clearly holds that the land being converted from agriculture to residential purposes and the same being approved on 27.05.1994 is deemed permission to alienate, the Deputy Commissioner ought not to have

resumed the land in favour of the original grantee. The finding of this Court is in the case of an adjacent land granted during the same time and which was converted by a similar order, on the same date, as that obtaining in the case at hand.

25. This order of the Co-ordinate Bench (supra) was called in question by the legal heirs of the original grantee before the learned Division Bench. The order of the learned Division Bench reads as follows:

> *"7. The PTCL Act has been enacted with a specific purpose to protect the interest of the Scheduled Castes and Scheduled Tribes in whose favour grants are made. The main purpose of the Act is to prohibit transfer of certain lands granted by the Government to persons belonging to the Scheduled Caste and Scheduled Tribe.* ***In the case on hand, the third respondent was not cultivating the land and she made an application to the competent authority for conversion of land from agricultural***

purpose to that of residential purpose. *The Competent authority, by order dated 27.05.1994 granted the same. The conversion applied by the appellant and sanctioned by the competent authority is subsequent to the expiry of non-alienation period.* ***The purpose for which, the land was granted has no longer remained the same.*** *Taking note of the conversion order,* ***the learned Single Judge has rightly held that the conversion granted would deemed to be permission for alienating the property. The alienation by the appellant is in respect of converted land. Hence the learned Single Judge rightly was of the opinion that violation as contemplated under the Act had not occurred.***

8. The grant through Dharkast order is on 17.02.1978. Saguvali chit is issued on 31.05.1978. On an application by the appellant-3 rd respondent, conversion was granted on 27.05.1994, thereafter, on 04.06.1994 the appellant-3 rd respondent

sold the property in favour of the vendor of the petitioner. The appellant-3 rd respondent initiated proceedings under the provisions of the PTCL Act only in the year 2006 i.e., after more than 12 years from the date of sale. The appellant, who executed the sale deed in the year 1994 has kept quite for nearly 12 years and thereafter initiated action. Any action for violation of any of the provisions of the Act or Rules shall be initiated within a reasonable time. Reasonable time is settled by the decisions of the Hon'ble Apex Court as two years. The Hon'ble Supreme Court in MR.VIVEK M HINDUJA AND OTHERS v/s MR.M.ASHWATHA AND OTHERS in Civil Appeal No.2166 of 2009 decided on 06.12.2017 has held at paragraphs 3, 4 and 5 of the above decision as under:

"3. The original grantees in these cases, who were members of the Scheduled Caste Community, were granted the lands by a common grant sometime in

the year 1946-1947. By that grant each of the grantees was given two acres of land. The successors of the grantees or the grantees themselves transferred the lands to certain individuals sometime in the year 1967. These transferees further transferred the lands after 8/10 years to different persons. The present Appellants are purchasers from the land transferees.

4. Arguments have been addressed before us at length on whether the present Appellants had perfected their titles on the date of the coming into force of the Karnataka Act. We are not inclined to go into this question because the instant matters can be decided on an aspect settled by this Court in the case of Chhedi Lal Yadav and Ors. V. Hari Kishore Yadav (dead) through L.Rs and Ors. MANU/SC/0781/2017 : 2017 (6) Scale 459 and Nekkanti Rama Lakshmi v. State of Karnataka and Anr.MANU/SC/1814/2017 : 2018 (6) Kar. L.J. 792 (SC), C.A.No.1390

of 2009, dated 26-10-2017. In these two decisions, one of which arose under the Karnataka Act, this Court has held that the authorities entrusted with the power to annul proceedings purported to have been made by the original grantees, must exercise their powers to do so, whether on an application, or suo motu, within a reasonable time since no time is prescribed by law for taking such action. In the decided cases, action had been initiated after about 20 to 25 years of the coming into force of the Karnataka Act.

5. In the present cases, it is undisputed that the action had been initiated after almost 20 years from the coming into force of the Karnataka Act. In principle, we do not see any reason why the delay in the present cases should be considered to be reasonable. There is no material difference between the period of delay in the present cases and the decided cases."

The above decision would squarely applicable to the facts of the present case also. Hence on this ground also the appeal deserves to be dismissed.

9. On going through the appeal papers and the order passed by the learned Single Judge, we are of the view that the order of the learned Single Judge does not suffer from any infirmity warranting interference. No ground is made out to interfere with the order of the learned Single Judge. Accordingly, the writ appeal is dismissed."

(emphasis supplied)

Therefore, in the light of the finding of this Court that once the land was converted by an act of the original grantee himself, it was not open to the Deputy Commissioner to resume the land in favour of the original grantee. In the case at hand, the land granted to the original grantee metamorphose from agriculture to residential purposes way back in the year 1994.

Keeping in view the law laid down by the Co-Ordinate Bench as affirmed by learned Division Bench (supra), the argument of the learned counsel that conversion of the land by him will be of no consequence, would not hold water as the very resumption of land which was already converted was by itself erroneous. Therefore, even the second ground urged by the learned counsel appearing for the legal heirs of the original grantee fails to hold water.

26. The third submission of the learned counsel for the petitioner is that, the disposal of writ petition No. 15519/2007 as having becoming infructuous did not efface the order of resumption passed by the Deputy Commissioner and the land still vested with the original grantee is equally unacceptable as the order of this Court disposing the writ petition as having become infructuous cannot be read in isolation, it has to be considered in terms of events antecedent

to the order which is the act of the original grantee again selling the land during the pendency of writ petition No.15519/2007 to the petitioners in writ petition No.15519/2007 led to filing of the memo. It is this act of the grantee selling the land in the teeth of the status quo order by this Court that would clearly estop the petitioner to contend that the land still vested with them. For the said reasons, the third ground urged by the learned counsel also does not sound acceptance.

27. The fourth ground that is urged is that any act done by the grantee either entering into sale or agreement to sell in contravention of the act is deemed to be nullity is concerned, the conduct of the grantees assumes higher significance as the grantee has indulged in repeated sale of the land that was granted to him. The land was sold for the first time on 07.04.2004 after having got it converted on

27.05.1994. The land was again sold during the pendency of the writ petition No.15519/2007. Notwithstanding the fact that the order of resumption of the Deputy Commissioner had not attained finality.

28. The crowning glory to the conduct of the legal heirs of the original grantee is that during the pendency of this writ petition, the legal heirs of the original grantee have again entered into an agreement to sell the very same land to third parties in the year 2019. An agreement to sell also amounts to sale in terms of the provisions of the said Act. Therefore, it becomes open to the legal heirs of the original grantee to file another application seeking resumption of the granted land on the ground that the agreement to sell is in contravention of the provisions of the said Act. All the aforesaid facts are undisputed and such conduct cannot be countenanced. Therefore, the intention of the original grantee or his legal heirs is only to get the

land resumed and indulge in trade or commerce with the granted land in hand. Such conduct on the part of the legal heirs of the original grantee cannot be countenanced. It is apposite to refer to the observations in the judgment of the learned Division Bench of this Court in the case of ***BHADRE GOWDA AND OTHERS VS. DEPUTY COMMISSIONER, MYSURU DISTRICT*** reported in **2012(2) KCCR 1529**, wherein, the learned Division Bench has observed as follows:

> *"4. The original grantee i.e., Chevuvaiah again sold a part of the grant land measuring 3 acres 30 guntas (out of the total grant land measuring 4 acres to) Somegowda on 03.02.1992. Yet again, the original grantee Cheluvaiah approached the Assistant Commissioner, Hunsur Sub-Division, seeking to repudiate the instant sale in favour of Somegowda, again under Section of the PTCL Act. The Assistant Commissioner, Hunsur Sub-Division by order dated 25.05.1999 declared the sale*

dated 03.02.1992 made by Channegowda in favour of Somegowda as null and void i.e. in violation of the mandate contained under Section 4 of the PTCL Act. Dissatisfied with the order passed by the Assistant Commissioner, Hunsur Sub-Division, the transferee assailed the order by preferring an appeal before the Deputy Commissioner, Mysore Division Bench. The said appeal was however, dismissed by an order dated 30.11.2020. The orders dated 25.05.1999 and 30.11.2010 (referred to hereinabove) were assailed by the transferee before this Court by filing Writ Petition No.4131/10. The said writ petition came to be dismissed on 10.01.2011. The instant writ appeal, has been preferred by the appellant so as to assail the order passed by the learned Single Judge dated 10.01.2011 whereby, the Writ Petition No.41310/10 assailing the orders passed by the Assistant Commissioner, Hunsur Sub-Division and the Deputy Commissioner, Mysore District, dated

25.05.1999 and 30.11.2010 respectively came to be dismissed. For the same reasons, as were recorded by this Court when the earlier sale made by the original grantee came to be challenged before this Court in Writ Petition No.16486/1985, we find no infirmity bin the order passed by the learned Single Judge while dismissing the Writ Petition No.41310/2010 vide order dated 10.01.2011, as the sale made by Cheluvaiah was impermissible, and as such, void under the mandate of Section 4 of the PTCL Act (extracted herein above).

5. Despite our aforesaid conclusion, it is imperative for us not to leave the matter without examining the further consequences which are liable to flow after the grantee succeeds in getting the sale made by him, set aside. ***It is essential for us to travel a little further arid determine the matters arising out of violation of Section 4 of the PTCL Act,, wherein, the original grantee repeatedly sells the grant land, and then seeks***

annulment of the sale. These are cases where the vendor successfully reaps the benefit of his own wrong. This case, like others dealt with by us, reveals the misuse of a legislative enactment for personal gains. *In the first instance, the original grantee Cheluvaiah sold the grant land on 01.10.1962. Having succeeded in getting the aforesaid sale declared as void, the grant land came to be restored back to him. Fully aware of the fact that he could not have sold the grant land, he sold it yet again to Somegowda on 03.02.1992. Cheluvaiah again succeeded in getting the second sale made by him set aside, so as to retrieve the land. The question that we wish to determine is, whether having got the sale revoked, the original grantee is entitled to retain the consideration amount received by him?* ***We are satisfied, that repeated sales at the hands of the original grantee constitutes the offence of cheating under the Section 420 of the Indian Penal Code 1860. A person who cheats, is definitely not entitled to seek***

restoration of the grant land and retain the consideration received by him by sale thereof.”

(emphasis supplied)

29. If the facts obtaining in the judgment of the learned Division Bench are juxtaposed to the facts obtaining in the case at hand. It would become unmistakably clear that repeated sale by the original grantee or his legal heirs amounts to cheating. Therefore none of the grounds urged by the learned counsel for the petitioner sounds acceptance . For the aforesaid reasons the writ petition No.21977/2013 lacks merit and is dismissed.

30. In so far the connected writ petitions are concerned the lands that were granted in different blocks to two different grantees and were granted around the same time, got converted by a similar order and sold around the same time. The details in each writ petition re as follows:

In writ petition No.16153/2013, a land measuring 3 acres in survey No.77, Block No.52, situated at Sheshagiri village, Bidadi Hobli, Bidadi, Ramanagara Taluk and District, was granted to one Ramaiah.

In writ petition No.21976/2013, a land measuring 3 acres in survey No.77, Block No.56, situated at Sheshagiri village, Bidadi Hobli, Bidadi, Ramanagara Taluk and District, was granted to one Narayanappa.

In writ petition No.21978/2013, a land measuring 3 acres in survey No.104 (new) 77/45 (old), Block No.45, situated at Sheshagiri village, Bidadi Hobli, Bidadi, Ramanagara Taluk and District, was granted to one Narayanappa.

In writ petition No.21979/2013, a land measuring 3 acres in survey No.98 (new) 77/34 (old),

Block No.34, situated at Sheshagiri village, Bidadi Hobli, Bidadi, Ramanagara Taluk and District, was granted to one Narayanappa.

In writ petition No.21980/2013, a land measuring 3 acres in survey No.133 (new) 77/80 (old), Block No.80, situated at Sheshagiri village, Bidadi Hobli, Bidadi, Ramanagara Taluk and District, was granted to one Narayanappa.

31. Since common contentions were urged by the learned counsel appearing for the petitioners in all these cases, for the very same reasons that is rendered in W.P.No.21977/2013, all the other connected writ petitions also lack merit and are dismissed.

Sd/-
JUDGE

SJK