**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 28TH DAY OF OCTOBER, 2026**

**PRESENT**

**THE HON'BLE MRS. JUSTICE ANU SIVARAMAN**

**AND**

**THE HON'BLE MR. JUSTICE VENKATESH NAIK T**

**WRIT APPEAL NO.13 OF 2026 (KVOA)**

**BETWEEN:**

1. SRI H. ANJINAPPA
AGED ABOUT 67 YEARS,
S/O LATE HANUMANTHAPPA.

SRI H. GANGA BYLAPPA,
S/O LATE HANUMANTHAPPA,
(DIED ON 31.01.2024)
SINCE DEAD, REPRESENTED BY HIS
LEGAL REPRESENTATIVE:

2. MR. GANESH G.
AGED ABOUT 35 YEARS,
S/O LATE GANGA BYLAPPA.

SRI H. KUMAR
AGED ABOUT 53 YEARS,
S/O LATE HANUMANTHAPPA,
(DIED ON 08.01.2021)
SINCE DEAD, REPRESENTED BY HIS
LEGAL REPRESENTATIVES:

3. SMT. LAKSHMAMMA
AGED ABOUT 55 YEARS,
W/O LATE H. KUMAR.

4. MR. HARISH KUMAR K.
AGED ABOUT 38 YEARS,
S/O LATE H. KUMAR.

5. SMT. VINODHA K.
AGED ABOUT 36 YEARS,
D/O LATE H. KUMAR.

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6. SMT. SHANTHA K.
AGED ABOUT 34 YEARS,
D/O LATE H. KUMAR.

7. SRI H. BYLANJINAPPA
AGED ABOUT 50 YEARS,
S/O LATE HANUMANTHAPPA.

8. MR. H. HANUMANTHARAJ
AGED ABOUT 50 YEARS,
S/O. LATE BYLAPPA.

9. MR. M. SHANTHA MURTHY
AGED ABOUT 38 YEARS,
S/O LATE MASTHANAPPA.

10. MR. M. KANTHA KUMAR
AGED ABOUT 35 YEARS,
S/O LATE H. MURTHY.

11. MR. B. AHOK KUMAR
AGED ABOUT 34 YEARS,
S/O LATE BYLANJINAPPA.

ALL ARE RESIDING AT NO.840,
1ST MAIN, 3RD CROSS,
NEAR KATERAMMA TEMPLE,
DODDA BOMMASANDRA,
VIDYARANYAPURA POST,
BENGALURU - 560 097.

…APPELLANTS

(BY SMT. PRAMILA NESARGI, SENIOR COUNSEL, FOR
SRI V. VENKATESALU, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL REVENUE SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING,
BENGALURU - 560 001.

2. THE TAHSILDAR
ADDL. NORTH TALUK,
YELAHANKA,
BENGALURU - 560 064.

3. SRI G. KRISHNAMURTHY,
AGED ABOUT 72 YEARS,
S/O LATE VEMANNA,
RESIDING AT NO.128, 5TH BLOCK,
DODDA BOMMASANDRA,
VIDYARANYAPURA,
YELAHANKA HOBLI,
BENGALURU - 560 097.

SRI BYLAPPA
AGED ABOUT 72 YEARS,
S/O LATE CHIKKA BYLAPPA,
(DIED ON 24.04.2015)

SMT. KEMPAMMA
AGED ABOUT 62 YEARS,
W/O LATE BYLAPPA,
(DIED ON 09.11.2019)

SINCE DEAD, THEY ARE REPRESENTED BY
THEIR LEGAL REPRESENTATIVES:

4. SMT. SHANTHAMMA
AGED ABOUT 42 YEARS,
D/O LATE BYLAPPA.

5. SMT. KANTHAMMA
AGED ABOUT 40 YEARS,
D/O LATE BYLAPPA.

SMT. LAKSHMAMMA
AGED ABOUT 38 YEARS, (DIED)
D/O LATE BYLAPPA.

6. SMT. SHOBA
AGED ABOUT 36 YEARS,
D/O LATE BYLAPPA.

MR. RAVI KUMAR
AGED ABOUT 35 YEARS, (DIED)
S/O LATE BYLAPPA.

7. MR. CHIKKA BYLAPPA
AGED ABOUT 34 YEARS,
S/O LATE BYLAPPA.

8. MR. SUBBARAYAPPA
AGED ABOUT 32 YEARS,
S/O LATE BYLAPPA.

RESPONDENT NOS.4 TO 9 ARE
RESIDING AT NO.63, 9TH MAIN, 8TH CROSS,
AADHITHYA NAGAR, CHIKKA BETTA HALLI,
VIDYARANYAPURA POST,
BENGALURU - 97.

9. THE DEPUTY COMMISSIONER
BENGALURU DISTRICT,
BENGALURU - 560 009.

10. THE ASSISTANT COMMISSIONER
BENGALURU NORTH SUB-DIVISION,
BENGALURU - 560 009.

…RESPONDENTS

(BY SRI JAYAKUMAR S. PATIL, SENIOR COUNSEL, FOR
SRI H.N. PRAKASH, ADVOCATE, FOR R-3, AND
SRI KHAMROZ KHAN, A.G.A., FOR R-1, R-2, R-9 & R-10)

* * *

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THIS APPEAL AND SET ASIDE THE ORDER DATED 11.11.2025 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.56296 OF 2014 (KVOA) AND REMAND THE MATTER FOR RE-CONSIDERATION, TO QUASH THE ORDER PASSED BY THE 2ND RESPONDENT-TAHSILDAR IN HOA(N):4/2013-14 DATED 30.09.2014 (VIDE ANNEXURE-L TO THE WRIT PETITION), TO QUASH THE ORDER UNDER SECTION 5(3) (AMENDED ACT 13/1978) PASSED BY THE 2ND RESPONDENT-TAHSILDAR, THEN IN HOA(N):43/82-83 DATED 27.07.1982 (VIDE ANNEXURE-G2 TO THE WRIT PETITION), AND TO QUASH THE ENDORSEMENT DATED 06.05.1988 IN NO:LND (N) CR:446/1987-88 PASSED BY THE SPECIAL DEPUTY COMMISSIONER THEN WITHOUT HAVING HIS JURISDICTION (VIDE ANNEXURE-G3 TO THE WRIT PETITION).

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED ON 28.07.2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, THE ***VENKATESH NAIK T. J.,*** PRONOUNCED THE FOLLOWING:

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

**CAV JUDGMENT**

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK T)

The present appeal has been preferred by the appellants, who were the petitioners in Writ Petition No.56296 of 2014 (KVOA), calling in question the judgment dated 11.11.2025 passed by the learned Single Judge, whereby the said writ petition came to be dismissed. They have also sought quashing of the orders passed by respondent No.2-Tahsildar.

2. The case of the appellants is that the service inam lands bearing Survey Nos.43 and 57 are attached to the Village Office of 'Talwari', measuring 12 guntas and 4 acres 2 guntas, respectively, situated at Dodda Bommasandra Village, which is granted under the Mysore Village Offices Act, 1908, in favour of Talari Office of Dodda Bommasandra Village, namely Masthani, S/o. Thimmaraya. Upon his demise, he was survived by his three sons, namely Dodda Bylappa, Chikka Bylappa and Hanumantharaya. It is stated that Dodda Bylappa, being the eldest son, succeeded to the impartible estate in accordance with the rule of lineal primogeniture and inherited the registered Barawardarship of the Talari service. After the

demise of Dodda Bylappa, his eldest son, Hanumanthappa, was appointed as the Talari. Subsequently, the Mysore Village Offices Act, 1908, was repealed and replaced by the Karnataka Village Offices Abolition Act, 1961 (hereinafter referred to as 'the KVOA Act'), which came into force on 01.02.1963. It is the case of the appellants that, upon Hanumanthappa becoming the Talari, the inam lands accrued to him in his capacity as the 'holder of the Village Office'.

3. Thereafter, the Assistant Commissioner, then Bengaluru Sub-Division, passed an order of re-grant dated 31.10.1972, whereby the subject lands were re-granted in favour of the claimants mentioned below to the extent of 1/3rd share each.

| SL. NO. | NAME | VILLAGE | SURVEY NOS. |
|---|---|---|---|
| 1 | Hanumanthappa,<br>S/o. Late Dodda Bylappa | Doddabommasandra | 43 & 57 |
| 2 | Bylappa,<br>S/o. Chikka Bylappa | Doddabommasandra | 43 & 57 |
| 3 | i. Hanumanthappa,<br>ii. Bylappa @ Kendappa,<br>iii. Mastanappa,<br>iv. Bylappa, and<br>iv Bylanjini and his mother, Bylamma | Doddabommasandra (jointly) | 43 & 57 |

4. The occupancy rights in respect of the re-granted lands were subject to the condition that the same shall not be

alienated/transferable without the prior sanction of the competent authority. According to the appellants, an application seeking re-grant of the lands had been submitted on 20.08.1969, whereas registered sale transactions in respect of the subject lands were executed on 21.07.1972, 22.07.1972 and 25.07.1972 in favour of respondent No.3, Sri G. Krishnamurthy. It is contended that the said sale transactions had taken place prior to the order of re-grant dated 31.10.1972, whereby the Assistant Commissioner re-granted the lands in the respective shares of the claimants.

5. The validity of the aforesaid alienations and the subsequent proceedings relating to the subject lands have been the subject matter of several rounds of litigation before the authorities, this Court and the Hon'ble Apex Court.

6. The earlier round of litigation commenced with Case No.LND (N)CR:446:1987-88, instituted by Smt. Kempamma, wife of Bylappa, before the Deputy Commissioner, seeking restoration of the subject land. The said proceedings came to be dismissed by order dated 06.05.1988, wherein it was held that the sale transaction was valid and that the requisite permission for alienation had been duly obtained. Aggrieved by

the order dated 06.05.1988 passed by the Deputy Commissioner, Smt. Kempamma preferred Writ Petition No.17532 of 1988 before this Court. The writ petition came to be allowed by order dated 05.01.1989, whereby this Court directed that an enquiry be conducted under Section 7(1) of the KVOA Act.

7. Pursuant to the directions issued in Writ Petition No.17532 of 1988, an enquiry in HOA.CR.51/87-88 was conducted, and the Tahsildar, by order dated 10.04.1989, ordered eviction of respondent No.3 from the subject land.

8. Challenging the order dated 05.01.1989 passed in Writ Petition No.17532 of 1988 and the order of eviction dated 10.04.1989, respondent No.3, Sri G. Krishnamurthy, preferred Writ Petition No.7526 of 1989 before this Court. This Court, by judgment dated 03.10.1989, allowed the said writ petition and while considering the matter, this Court observed that Smt. Kempamma, who was the petitioner in Writ Petition No.17532 of 1988, had suppressed the earlier proceedings initiated in the years 1982 and 1988 and had made a misrepresentation regarding the death of her husband.

Consequently, the earlier orders were quashed and upheld the sale in favour of respondent No.3.

9. Thereafter, a fresh show-cause notice dated 03.03.1992 came to be issued by the Tahsildar seeking to reopen the proceedings in respect of the same subject matter. Challenging the said notice, respondent No.3, Sri G. Krishnamurthy, preferred Writ Petition No.12155 of 1992 before this Court. The said writ petition was allowed by order dated 16.06.1992, whereby this Court restrained the authorities from proceeding further stating that the issues relating to the subject land had already been concluded by the judgment in Writ Petition No.7526 of 1989.

10. Aggrieved by the order passed in Writ Petition No.12155 of 1992, Sri Bylappa preferred Writ Appeal No.2115 of 1992 before this Court. The said writ appeal came to be dismissed on 15.03.1993, thereby confirming the order passed by the learned Single Judge and holding that no further proceedings could be initiated in respect of Survey No.57. Thereafter, Sri Bylappa approached the Hon'ble Apex Court by filing SLP (C) No.16124 of 1993 challenging the dismissal of the writ appeal. The said special leave petition as well as the review

petition came to be dismissed. Thus, bringing the complete finality to the controversy.

11. It is in the backdrop of the aforesaid proceedings that the present appellants, claiming to be successors of the very same family, instituted Writ Petition No.56296 of 2014 (KVOA) before this Court seeking to re-open the matter on the ground that certain enquiry reports had not been taken into consideration in the earlier proceedings.

12. During the pendency of the writ petition, the appellants filed I.A. Nos.2 and 3 of 2018 seeking permission to produce the enquiry report allegedly prepared pursuant to the judgment in Writ Petition No.7526 of 1989. The appellants sought to rely upon the said report in support of their contention that the matter required reconsideration and that the relevant material had not been considered in the earlier proceedings.

13. Learned Single Judge, upon consideration of the pleadings, the material on record and the earlier rounds of litigation concerning the subject lands, proceeded to dismiss Writ Petition No.56296 of 2014 (KVOA). Hence, the appellants have preferred the present appeal.

14. Heard Smt. Pramila Nesargi, learned senior counsel appearing for Sri V. Venkatesulu, learned counsel for the appellants, Sri Jayakumar S. Patil, learned senior counsel appearing for Sri H.N. Prakash, learned counsel for respondent No.3, and Sri Khamroz Khan, Additional Government Advocate for respondent Nos.1, 2, 9 and 10.

15. Learned senior counsel appearing for the appellants has contended that the appellants were not parties to the earlier proceedings concerning the subject lands and, therefore, the findings rendered in the said proceedings could not be relied upon to non-suit them without examining the grounds urged in the present proceedings. The enquiry report, sought to be produced by the appellants, contains relevant material which would assist them in establishing that the alienations in question are contrary to the provisions of the KVOA Act and the appellants are entitled to seek a fresh examination of the legality of the Sale Deeds and the order of re-grant, particularly in the light of the material contained in the enquiry report, which according to them, had not been duly considered earlier.

15(a). Learned senior counsel has further contended that the order passed by respondent No.2-Tahsildar dated

30.09.2014 suffers from non-application of mind and that the material placed before the authorities had not been properly examined. Referring to the endorsement issued by respondent No.2 dated 23.10.2008, she submitted that, upon verification of the request made by the appellants, the file No.HOA (N) 343/69-70 in respect of Dodda Bommasandra Village was stated to be neither reflected in the charge list nor available in the records. She further contended that, in the endorsement dated 06.02.2009, respondent No.2-Tahsildar stated that, the copy of the order in file No.HOA (N) 343/69-70 dated 31.10.1972 passed by the Assistant Commissioner, Bengaluru North Sub-Division, could be obtained from the Office of the Assistant Commissioner. Hence, non-availability of the original file raises serious questions regarding the proper examination of the proceedings relating to the re-grant and the subsequent alienations. She further contended that the appellants had sought copy of the proceedings and records relating to Survey Nos.43 and 57 from the authorities under the Right to Information Act, 2005, and that several endorsements had thereafter been issued by the concerned officials and the information furnished by the authorities, particularly with regard to non-availability of the file No.HOA (N) 343/69-70

Hence, the failure of the authorities to trace and produce the orders/records had prevented them from effectively examining the legality of the re-grant and the alienations in question, which caused delay and laches and hence, the appellants have made out fresh cause of action only on 02.08.2010 and finally, on 07.11.2014 and also surviving legal right (due to the multiple deaths of all the re-grantees/vendors who were the parties in HOA.CR.51/87-88 initiated by the then Tahsildar) after the categorical decisions rendered by this Court in Writ Petition Nos.17532 of 1988, 7526 of 1989 and 12155 of 1992, Writ Appeal No.2115 of 1992 and affirmed by the Hon'ble Apex Court in SLP (C) No.16124 of 1993 and Review Petition No.149 of 1994. Thus, the appellants are not bound by these aforesaid decisions and hence, seeking production of the enquiry report is not misconceived.

15(b). Learned senior counsel also submitted that the appellants belong to the Scheduled Caste community and that they are illiterates, casual workers/daily wage earners and drivers, thus they are not at exposure to the outer world and are not well conversant with the Court proceedings. Therefore, on the aforesaid grounds, the learned senior counsel prayed to set aside the judgment of the learned Single Judge and remand

the matter for reconsideration and to quash the orders dated 30.09.2014 and 27.07.1982 passed by respondent No.2-Tahsildar and the endorsement dated 06.05.1988 passed by the Special Deputy Commissioner.

15(c). According to the appellants, the occupancy of the land re-granted shall not be transferable without the previous sanction for sale, but alienations made without prior permission. In view of the judgment of ***Lakshmana Gowda v. State of Karnataka***, reported in ***(1981) 1 Karnataka Law Journal Page 1***, instead of regularising the sale by paying to the Government an amount equal to 15 times the full assessment of that land, obtaining subsequent sale permission *post facto* sanction for which the sale has already been taken place is invalid. The previous sanction of the Assistant Commissioner to alienate the land that is required under Section 3(5) of the Principle Act, 1961, is prior and not *post facto* sanction. As the sale was without permission, it was invalid and that an invalid sale could not be validated by obtaining *post facto* sanction.

16. *Per contra,* Sri Jayakumar S. Patil, learned senior counsel for respondent No.3, submits that the appellants claim is through the very same family, who were party to the earlier proceedings; that the enquiry report was part of the record already considered by this Court in Writ Petition No.7526 of 1989, and that the applications seeking production of such report are frivolous and filed only to protract the proceedings an attempt to reopen the matter, which has attained finality. He further submits that the series of final judgments in the earlier round of litigation, which culminated in the dismissal of the special leave petition and review petition before the Hon'ble Apex Court, have conclusively adjudicated the very claim now sought to be revived by the appellants and therefore, no further challenge is maintainable.

16(a). Learned senior counsel for respondent No.3 has relied on the following decisions:

i. *Lakshmana Gowda and Others v. State of Karnataka by its Secretary to Government and Others, reported in (1981) 1 Karnataka Law Journal Page 1;*

ii. *Syed Bhasheer Ahamed and Others v. State of Karnataka, reported in I.L.R. 1994 KAR 159, and*

*iii. N. Venkateshappa v. Munemma and Others, reported in AIR 2016 SC 889.*

17. Sri Khamroz Khan, learned Additional Government Advocate for respondent Nos.1, 2, 9 and 10, adopts the submission advanced by the learned senior counsel for respondent No.3 and further submits that the Tahsildar's order dated 30.09.2014 merely reiterates the settled legal position arising out of the earlier adjudication and therefore, does not warrant any interference by this Court.

18. In the instant appeal, the appellants are seeking the relief to quash the order passed by respondent No.2-Tahsildar in HOA(N):4/2013-14 dated 30.09.2014, vide Annexure-L to the writ petition. The operative portion of the said order passed by the Tahsildar, Bengaluru North (Additional) Taluk, Yelahanka Upanagara, Bengaluru, is as under:

> *"For the foregoing facts and circumstances of the case as well as the reasons set forth above, the claim of the Petitioners to hold the sale deeds of the year 1972 executed in favour of the Respondent herein in respect of the land in S.No.57 measuring 4A.02 gs., situated at Doddabommasandra Village, Yelahanka Hobli, Bangalore North (Addl) Taluk as null and void does*

*not merit consideration and that therefore the Petition is rejected."*

19. The appellants, in this appeal, are also seeking the relief to quash the order under Section 5(3) (Amended Act 13 of 1978) passed by respondent No.2-Tahsildar then in HOA (N) 43/82-83 dated 27.07.1982 vide Annexure-G2 to the writ petition. The operative portion of the said order is as under:

*"Perused the records of the case file and it is seen that the Assistant Commissioner, Bangalore in case No.HOA.(N) 343/69-70 dated 22-12-1972 has accorded permission to alienate lands in Sy. Nos.43 measuring 0-12 (A.G) and Sy. No.57 measuring 4.02 (A.G) of Doddabommasandra village under Section 5(3) of the M.V.O. Act 1961 which were regranted to them by the Assistant Commissioner, Bangalore Sub-Division on 31-10-1972. Hence the show cause notices in this office notice of even No. dated 23-6-82 is hereby withdrawn and further proceedings are dropped."*

20. The appellants also sought the relief to quash the endorsement dated 06.05.1988 in No.LND. (N) Cr:446/1987-88 passed by the Special Deputy Commissioner vide Annexure-G3 to the writ petition. The endorsement issued by the Special Deputy Commissioner, Bengaluru, reads as under:

> *"You, Smt. Kempamma wife of Bylappa, in your representation dated 7.1.88, have requested to restore the land in Survey No.57 measuring 1 Acre, 14 Guntas, situated at Dodda Bommasandra village, sold in favour of Shri G. Krishnamurthy. But, you have sold the said land after obtaining permission from the Asst. Commissioner to alienate the land and that therefore, you are hereby informed that your representation cannot be considered."*

21. Thereby, the appellants have prayed to quash the order dated 30.09.2014 passed by respondent No.2-Tahsildar, the order dated 27.07.1982 passed by respondent No.2-Tahsildar and the endorsement dated 06.05.1988 passed by the Special Deputy Commissioner, Bengaluru.

22. Admittedly, the record of rights of the land in question shows an entry as 'Sarkari Naukri Inamthi' and 'Talwarth Naukri Inamthi'. Thereafter, the said service inam land in Survey Nos.43 and 57 attached to the Village Office of Talwari, measuring 12 guntas and 4 acres and 2 guntas, respectively, of Doddabommasandra Village, which is granted under Mysore Village Offices Act, 1908, in favour of Barwardhar of Talari Office of Doddabommasandra Village, namely

Masthani, S/o. Thimmaraya, who died leaving behind his three sons, namely Dodda Bylappa, Chikka Bylappa and Thoti Hanumantharaya, who have also died long back.

23. The record reveals that Dodda Bylappa, being the eldest son, on impartible estate by the rule of lineal primogeniture, inherited a registered Barwardar of Talari service. After the demise of said Dodda Bylappa, his eldest son, Hanumanthappa, was appointed as the Talari as on the date of the then Mysore Village Office Act, 1908, which is repealed and enacted by another legislation the KVOA Act, 1961, with effect from 01.02.1963. On his becoming Talari, the inam land accrued to him as the 'holder of the Village Office'. Later, the Assistant Commissioner, Bangalore Sub-Division, passed a re-grant order on 31.10.1972 to an extent of 1/3rd share each and the occupancy rights of the lands were re-granted to the claimants in Survey Nos.43 and 57 of Doddabommasandra Village.

24. The Karnataka Village Officers Abolition Act, 1961, is an Act which was brought into force in public interest to abolish the village offices, which were held hereditarily before the commencement of the Constitution of India, 1950. The

'Appointed date' under Section 2(1)(a) of the KVOA Act is 01.02.1963. Section 4 of the KVOA Act abolishes all village offices on and with effect from the appointed date. Sub-section 3 of Section 4 of the KVOA Act stipulates that subject to the provisions of Sections 5, 6 and 7, all land granted or continued in respect of or annexed to a village office shall stand resumed by the State subject however, to re-grant of land to the holder of the village office or authorised holders as the case may be. Section 5 of the KVOA Act lays down that the lands so resumed under Section 4(3) of the KVOA Act and not falling under Sections 6 and 7 of the KVOA Act be granted to the person, who were holders of the village offices immediately prior to the appointed date on such payment as prescribed. Sections 6 and 7 of the KVOA Act lay down that if the land so resumed is held by an unauthorised holder, it shall be re-granted to such holder on payment of occupancy price as prescribed.

25. Section 5(4) of the KVOA Act (sub-section 4 is inserted by Act No.13 of 1978, with effect from 07.08.1978), reads as under:

*"**5. Re-grant of land resumed under Section 4 to the holder of the village office.-***

*(4) Any transfer of land in contravention of sub-section (3) shall be null and void and the land so transferred shall, as penalty, be forfeited to and vest in the State Government free from all encumbrances and any person in possession thereof shall be summarily evicted therefrom by the Deputy Commissioner and the land shall be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands:*

*Provided that if the person who has transferred the land in contravention of sub-section (3) is not alive, while disposing of such land preference shall be given to the heirs of such person.*

***Explanation**.-For removal of doubts it is hereby declared that in sub-section (3), and in this sub-section transfer includes creation of a lease."*

26. Section 7 of the KVOA Act (Section 7 is substituted by Act No.13 of 1978, with effect from 24.12.1975) reads as under:

"***7. Eviction of unauthorised holders, etc.-***

*(1) Where any land resumed under clause (3) of section 4 is in the possession of an unauthorised holder such unauthorised holder shall be summarily evicted therefrom and the land shall be taken possession of by the Deputy Commissioner in accordance with law:*

> *Provided that no such summary eviction shall be made except after giving the person affected a reasonable opportunity of making representation.*

*(2) Any order of eviction passed under sub-section (1) shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceeding taken or about to be taken by the Deputy Commissioner in pursuance of the power conferred by sub-section (1).*

*(3) The land from which an unauthorised holder is evicted under sub-section (1) shall,*

> *(a) if it was granted or continued in respect of or annexed to an inferior village office be regranted to the holder of such village office; and*

> *(b) in other cases be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands".*

27. In ***Lakshmana Gowda's case***, cited supra, a Co-ordinate Bench of this Court had an occasion to consider questions including one concerning rights of an alienee of a service inam land from its holder or the authorised holder. It dealt with various issues, but the one concerning the present matter was Question No.(iii) which was to the following effect:

> *"(iii) Did an alienee of a service inam land from its holder or the authorised holder, acquire title to such land, if the alienation had taken place between the date of the coming into force of the Principal Act and the date of the re-grant, after its re-grant to its holder or the authorised holder under Section 5 or 6, as the case may be, of the Principal Act? "*

28. At paragraph No.66 of the judgment, it is held that *'if the holder or the authorised holder of a service inam land had alienated it after the Principal Act came into force and before it was re-granted to him under Section 5 or 6 of the Principal Act, the alienee acquired a title to that land after such re-grant to his alienor.'*

29. We have perused the principles enunciated in the cases of ***Lakshmana Gowda, Syed Bhasheer Ahamed*** and ***N. Venkateshappa***, cited supra. As laid down in these cases, upon re-grant of the land in favour of the holder of a service inam, the re-grant must enure to the benefit of the alienee, if such alienation was between 01.02.1963 and 07.08.1978. Further, upon such re-grant, the title of a holder of the service inam land would relate back to the date of coming into force of the Act. In the circumstances, upon re-grant, the title of the predecessors of the respondents herein would relate back. The alienation effected by them on 13.05.1971, by principles of 'feeding the grant by estoppel' would enure to the benefit of the alienee, who would get good title to such land after such re-grant. As observed by the Full Bench, where the alienation occurred between 01.02.1963 and 07.08.1978, the alienee would not be 'unauthorised holder'.

30. A perusal of the appeal memo and the submission made by the learned senior counsel for the appellants, it clearly demonstrated that, except prayer No.1 with regard to quashing the order passed by respondent No.2-Tahsildar dated 30.09.2014, the rest of the prayers were already considered in

earlier litigations, more particularly, in Writ Petition Nos.17532 of 1988, 7256 of 1989, 12155 of 1992, Writ Appeal No.2115 of 1992, SLP (C) Nos.16124 of 1993, and Review Petition No.149 of 1994.

31. Hence, the earlier writ petitions filed by the predecessor of the appellants were dismissed, the writ appeal and the special leave petition were also dismissed, and the review petition before this Court was also dismissed. The appellants are none other than the legal heirs and successors of the earlier litigating parties, and obviously, the principles of *res judicata* are applicable to the appellants, as the issues involved were directly and substantially in issue in the previous proceedings between the same parties or their predecessors. Now, the parties claiming under the same title are bound by the earlier adjudication, even if they were not personally arrayed.

32. In so far as prayer No.1 with regard to quashing the order passed by respondent No.2-Tahsildar dated 30.09.2014, it reveals that it only reflects compliance with the judicial directions and discloses no illegality. The relevant transactions are of the year 1972 and the same was concluded long back in

the year 1994. Therefore, the appellants have not made out any new grounds, cause of action, or a surviving legal right after the categorical decisions rendered by this Court and affirmed by the Hon'ble Apex Court. There is no merit in the appeal. Accordingly, the appeal is ***dismissed***.

In view of the dismissal of the appeal, pending interlocutory applications, if any, shall stand dismissed.

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

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

KVK