HC-KAR

NC: 2026:KHC:61220
WP No. 901 of 2025

CNR: KAHC010013952025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 901 OF 2025 (SC/ST)

BETWEEN:

SMT Y DEVIKA RANI
W/O SRI Y D V KISHORE,
AGED ABOUT 70 YEARS,
R/OF FLAT NO.30,
MADHAVAPURI CLASSIC ENCALVE,
SAINIKPURI, SECUNDERABAD,
TELANGALA-500094

REPRESENTED BY HER PA HOLDER,
SRI BOPPANA RAVINDRANATH TAGORE,
S/O SRI SEETHARAMAIAH,
AGED ABOUT 74 YEARS,
R/AT 8-3-721/1/6,
PENT HOUSE, ANUSHA APARTMENTS,
YELLAREDDY GUDDA, HYDERABAD,
ANDHRA PRADESH.

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA

...PETITIONER

(BY SRI. MURALIDHARA P., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS ADDITIONAL CHIEF
   SECRETARY,
   DEPARTMENT OF REVENUE,
   VIDHANA SOUDHA,
   BENGALURU-560001.

2. THE DEPUTY COMMISSIONER
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA-562101.

3. THE ASSISTANT COMMISSIONER
CHIKKABALLAPURA SUB-DIVISION,
CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA DISRICT-562101

4. THE TAHSILDAR
CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA DISTRICT-562101.

5. SRI NARAYANASWAMY
S/O LATE SALLAPPA,
AGED ABOUT 58 YEARS,
R/AT MANNARAPURA VILLAGE,
NANDI HOBLI,
CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA DISTRICT-562101.

6. SMT. NARAYANAMMA
D/O LATE SALLAPPA,
W/O SRI MUNINARAYANAPPA,
AGED ABOUT 54 YEARS,
R/AT EATHAMAKALAHALLI VILLAGE,
MANCHANABELE POST,
CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA DISTRICT-562101.

7. SRI R SREENIVASA
S/O RAMAIAH,
AGED ABOUT 49 YEARS,
R/AT NEAR VIDYA SAGARA,
RAMAIAH GARDEN,
THANISANDRA MAIN ROAD,
BENGALURU-560077.

8. DR KAVITHA REDDY
W/O RAVINDRA REDDY,
AGED ABOUT 51 YEARS,
R/AT NO.8-2-120/112/A/13,
PLOT NO.100,
BANJARA HILLS ROAD NO.2,
HYDERABAD,
ANDHRA PRADESH-500034.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. B.R.RAMACHANDRA REDDY, ADVOCATE
FOR R5 AND R6;
R7 SERVED AND UNREPRESENTED;
VIDE COURT ORDER DATED 02.11.2026,
NOTICE TO R8 IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Muralidhara.P., counsel for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 4, and Sri.B.R.Ramachandra Reddy., counsel for respondent Nos.5 and 6 appeared in person.

In PTCL writ petitions, the orders passed by the Assistant Commissioner and the Deputy Commissioner are ordinarily challenged before this Court. The Court has frequently observed discrepancies in the names of the original grantees, the dates of grant and alienation, and the survey numbers mentioned in the impugned orders. Accordingly, for the sake of convenience and to avoid unnecessary repetition, the parties are referred to as the "original grantee", and the relevant years of grant and alienation are used instead of reproducing the names, dates, and survey numbers in each case.

2. The petition is filed seeking a writ of certiorari to quash the orders passed by the Assistant Commissioner and the Deputy Commissioner. These orders are challenged in this writ petition on several grounds as set out in the memorandum of the writ petition.

3. Counsel for the respective parties advanced several contentions.

AGA submits that an appropriate orders may be passed.

Counsel for respondent Nos.5 and 6 vehemently contended that there was a violation of the provisions of the PTCL Act and justified the action taken by the family of the grantee in seeking resumption proceedings. Urging additional grounds, he submits that the petition lacks merit and the same may be dismissed.

4. The Court heard the arguments and carefully perused the papers.

5. This issue is limited to the resumption proceedings. The land in question was granted in 1968–69, and the first alienation took place in 2005. A perusal of the sale deeds reveals that the legal heirs of the original grantees sold the property to Sri.Sreenivasa on 01.04.2005. Thereafter, Sri.Sreenivasa, along with the family of the grantee, sold the property to Sri.S.Bupathi Reddy and Smt.Kavitha Reddy on 04.02.2008.

Subsequently, Sri.Bupathi Reddy and Smt.Kavitha Reddy sold the property in favor of the petitioner on 24.09.2009.

In 2006, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who upheld the original order.

Undoubtedly, the PTCL Act was enacted to protect members of Scheduled Castes and Scheduled Tribes from exploitation by prohibiting alienation of granted lands without prior permission. The remedy of resumption is available to protect the grantee against unauthorized transfers. However, when the grantee or his heirs voluntarily execute a registered sale deed, they cannot later invoke the Act to nullify their own transaction. Thus, the right to challenge it is limited. The Act’s protective umbrella is intended to shield the grantee from exploitation by others, not to allow the grantee to

repudiate his own act. Courts therefore apply estoppel against the grantee.

Furthermore, the family members of the grantee themselves have sold the property and have also initiated the resumption proceedings. In view of the law laid down by the Hon'ble Apex Court in the *Seethamma* case, they could not have instituted proceedings under the provisions of the PTCL Act.

In the facts and circumstances of the case, this Court is of the considered view that the orders passed by the Assistant Commissioner and confirmed by the Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained. Accordingly, the impugned orders are liable to be set aside.

6. For the foregoing reasons, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be set aside.

7. The writ of certiorari is ordered. The order dated 17.07.2017 passed by the Assistant Commissioner vide Annexure-G, and the order dated 28.06.2024 passed by the Deputy Commissioner vide Annexure-H are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to mutate/restore the petitioner's name in the subject land in the revenue records.

8. Resultantly, the writ petition is ***allowed***.

On disposal of the Writ Petition, any interim order stands discharged, and any pending interlocutory applications, if any, are disposed of.

SD/-
(JYOTI M)
JUDGE

AM
List No.: 1 Sl No.: 43