HC-KAR

NC: 2026:KHC:61649
WP No. 3063 of 2024

CNR: KAHC010052892024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 3063 OF 2024 (SC/ST)

BETWEEN:

1. B.NARAYANASWAMY,
   S/O. LATE BACHAPPA,
   AGED ABOUT 65 YEARS,

2. NANJEGOWDA,
   S/O. LATE BACHAPPA,
   AGED ABOUT 53 YEARS,

   BOTH ARE RESIDING AT
   KUNDANA VILLAGE,
   KUNDANA HOBLI,
   DEVANAHALLI TALUK,
   BENGALURU RURAL DISTRICT - 562110.

...PETITIONERS

(BY SRI. A.RAVISHANKAR, ADVOCATE FOR
SRI. CHANDRAPPA V., ADVOCATE)

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

AND:

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

2. THE DEPUTY COMMISSIONER,
   BENGALURU RURAL DISTRICT,
   BEERASANDRA VILLAGE,
   DEVANAHALLI TALUK - 562 110.

3. THE ASSISTANT COMMISSIONER,
DODDABALLAPURA SUB-DIVISION,
DODDABALLAPURA,
BENGALURU RURAL DISTRICT - 562 110.

4. THE TAHSILDAR,
DEVANAHALLI TALUK,
DEVANAHALLI - 562 110.

5. SMT. NARAYANAMMA,
W/O. LATE NARAYANAPPA,
AGED ABOUT 66 YEARS,
RESIDING AT NO.9, 20TH CROSS,
KADAMABANAGARA,
PEENYA 2ND STAGE,
BENGALURU - 560 058.

6. SMT. LAKSHMAMMA,
D/O. LATE RAMAIAH,
AGED ABOUT 55 YEARS,
RESIDING AT NO.805,
4TH MAIN ROAD, A BLOCK,
RAJAJINAGAR, BENGALURU - 560 010.

7. SMT. SAKAMMA,
D/O. LATE RAMAIAH,
AGED ABOUT 41 YEARS,
RESIDING AT NO.68,
7TH MAIN ROAD, 4TH CROSS,
NEW KEB OFFICE, J.C. NAGAR,
BENGALURU - 560 086.

8. SMT. PADMA
D/O. LATE RAMAIAH,
AGED ABOUT 39 YEARS,
RESIDING AT NO.1174,
2ND CROSS, 7TH MAIN,
KAMALA NEHRU EXTENSION,
YESHWANTHAPURA,
BENGALURU - 560 086.

9. SRI. C.RAMAKRISHNAPPA,
S/O. LATE ANJINAPPA,
AGED ABOUT 56 YEARS,

10. SRI. A.RAJENDRA,
S/O. LATE ANJINAPPA,
AGED ABOUT 50 YEARS,

11. SRI. A.RAMESHA,
S/O. LATE ANJIAPPA,
AGED ABOUT 48 YEARS,

12. SRI. A.GANGADHARA,
S/O. LATE ANJINAPPA,
AGED ABOUT 46 YEARS,

13. SRI. A.KRISHNAMURTHY,
S/O. LATE ANJINAPPA,
AGED ABOUT 42 YEARS,

RESPONDENTS NO.9 TO 13 ARE
RESIDING AT KUNDANA VILLAGE,
KUNDANA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562110.

14. SRI. B.ASHWATHAPPA,
S/O. LATE BACHAPPA,
AGED ABOUT 72 YEARS,
RESIDING AT KUNDANA VILLAGE,
KUNDANA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562110.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. T.SUNIL, ADVOCATE FOR R5 TO R8 - ABSENT;
SRI. VENKATESH P.DALWAI, ADVOCATE
FOR R9 TO R11 AND R13;
R12 SERVED AND UNREPRESENTED;
SRI. V.NAGAREDDY, ADVOCATE FOR R4 - ABSENT)

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.A.Ravishankar., counsel on behalf of Sri.Chandrappa V., for the petitioners; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 4, and Sri.Venkatesh P. Dalwai., counsel for respondent Nos.9 to 11 and 13, appeared in person.

There is no representation on behalf of respondent Nos.4 and respondent Nos.5 to 8.

2. The writ petition is filed seeking the following reliefs.

> *a) Issue a Writ of Certiorari, order or direction by quashing the Official Memorandum issued by the Deputy Commissioner, Bangalore*

Rural District, in LND.(De)PTCL:CR:13/2018-19 dated 20.09.2022 vide Annexure-M.

b) To grant such other relief/s as this Hon'ble Court deems fit, in the interest of justice and equity.

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

4. The subject land was originally granted to the grantee in the year 1963 and was subsequently conveyed under a registered Sale Deed in the year 1972. Thereafter, the proceedings for resumption of the land were initiated before the Assistant Commissioner in the year 2005, after a lapse of nearly 33 years from the date of sale and 26 years from the coming into force of the PTCL Act. The Assistant Commissioner dismissed the petition. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who set aside the order passed by the Assistant Commissioner.

Suffice it to note that the order passed by the Deputy Commissioner was challenged by the purchaser in W.P. No. 10031/2021. This Court, by order dated 16.06.2021, granted an interim order of stay of the operation of the order passed by the Deputy Commissioner. However, during the pendency of the said proceedings, the original grantee approached the Government seeking permission to alienate the subject property. The Government, by order dated 20.09.2022, proceeded to grant permission for sale of the property.

5. It is contended on behalf of the petitioners that, pursuant to the permission granted by the Government, the family members of the original grantee conveyed the subject property in favor of Sri. M. Srinivas under a registered Sale Deed dated 17.10.2023. It is relevant to note that the subsequent purchaser filed an application seeking impleadment in W.P. No. 10031/2021. However, this Court, by order dated 26.07.2024, rejected the

impleading application. Thereafter, an attempt was made to recall the said order, which was also rejected by this Court.

6. It is relevant to note that, as on the date of consideration of the application seeking permission to alienate the subject property, an interim order of stay granted by this Court in W.P. No. 10031/2021 was in operation. Notwithstanding the pendency of the proceedings and the subsisting interim order, the Government proceeded to consider the request and grant permission for alienation of the subject property. Such action on the part of the Government, without having due regard to the interim order passed by this Court and the fact that the matter was pending adjudication, cannot be sustained in law. Consequently, the permission granted by the Government, vide order dated 20.09.2022, is liable to be viewed as having been issued without due consideration of the subsisting judicial order.

7. Accordingly, the Official Memorandum dated 20.09.2022 issued by the Deputy Commissioner, Bengaluru Rural District, vide Annexure-M, is hereby quashed. As this Court has quashed the order at Annexure-M, the consequences shall follow.

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

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

Sd/-
(JYOTI M)
JUDGE

AM
List No.: 2 Sl No.: 20