IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT APPEAL NO.300 OF 2021 (SC-ST)

BETWEEN:

SRI. T. NARAYANA
S/O LATE THAMMAIAH
AGED ABOUT 65 YEARS
RESIDING AT KARIYAMMANA AGREHARA VILLAGE
BELLANDUR POST
VARTHUR HOBLI
BANGALORE EAST TALUK 560 103

...APPELLANT

(BY SRI. THARANATH SHETTY, ADV.)

AND:

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

1. THE STATE OF KARNATAKA
   THE DEPARTMENT OF LAND REVENUE
   VIDHANA SOUDHA
   BANGALORE 01
   REPRESENTED BY ITS PRINCIPAL SECRETARY
   REVENUE DEPARTMENT
   BANGALORE - 01

2. THE DEPUTY COMMISSIONER
   BANGALORE DISTRICT
   DEPUTY COMMISSIONER'S OFFICE BUILIDNGS
   K G ROAD, BANGALORE 560 009

3. THE ASSISTANT COMMISSIONER
BANGALORE NORTH SUB-DIVISION
2ND FLOOR, DEPUTY COMMISSIONER'S OFFICE
BUILDING, K G ROAD
BANGALORE 560 009

4. SMT. MUNIYAMMA
W/O LATE YELLAPPA @ CHINNAPPA
SINCE DECEASED BY HER LRS.

4(A). SMT. GOWRAMMA
W/O LATE VENKATAPPA
AGED ABOUT 53 YEARS

4(B). SMT. SUNITHA
D/O LATE VENKATAPPA
AGED ABOUT 33 YEARS

4(C). SRI SRINIVASA
S/O LATE VENKATAPPA
AGED ABOUT 31 YEARS

4(D). SRI MANIKANTA
S/O LATE VENKATAPPA
AGED ABOUT 29 YEARS

ALL ARE R/AT NO.383
2ND CROSS, RAJU STREET
YAMALURU, BENGALURU 560 037

4(E). SRI MUNIYAPPA
S/O LATE RANIYAMMA
AGED ABOUT 39 YEARS

4(F). SRI MUNIYAPPA
S/O LATE PAPAMMA
AGED ABOUT 36 YEARS

4(G). SMT. VENKATAMMA
D/O LATE PAPAMMA
AGED ABOUT 42 YEARS

4(H). SMT. GANGAMMA
W/O LATE MUNIYAPPA
AGED ABOUT 52 YEARS

4(I). SMT. AMMANNI @ VENKATAMMA
D/O LATE GANGAMMA AND MUNIYAPPA
AGED ABOUT 38 YEARS

4(J). SRI VENKATAPPA
S/O LATE MUNIYAPPA
AGED ABOUT 37 YEARS

4(K). SMT. VENKATAMMA
D/O LATE YELLAPPA @ CHINNAPPA
AGED ABOUT 64 YEARS

4(L). SMT. MUNIYAMMA @ GUNDAMMA
D/O LATE YELLAPPA @ CHINNAPPA
AGED ABOUT 62 YEARS

4(M). SRI CHINNASWAMY
S/O LATE YELLAPPA @ CHINNAPPA
AGED ABOUT 41 YEARS

ALL ARE R/AT YAMALURU VILLAGE
YAMALURU POST
VARTHUR HOBLI
BENGALURU 560 037

5. SRI V R RADHA KRISHNA
S/O V RAMAIAH
AGED ABOUT 60 YEARS
RESIDING AT NO.487
37TH CROSS, 9TH MAIN

JAYANAGARA 4TH BLOCK
BANGALORE 560 011

6. M/S. M.S.RAMAIAH DEVELOPERS
AND BUILDERS PVT. LTD.
HAVING IT'S OFFICE AT NO.4
1ST FLOOR, UNITY BUILDING, J.C.ROAD
BANGALORE 02
REP. BY IT'S MANAGING DIRECTOR
SRI M.R.SEETHARAM

…RESPONDENTS

(BY SRI. ADITHYA SONDHI, SR. COUNSEL FOR
SRI. B. PRASAD, ADV. FOR R4 (M);
SRI. SPOORTHY HEGDE, HCGP FOR R1-R3;
MS. APARNA N., ADV. FOR
SMT. G.K.BHAVANA, ADV. FOR R5 & R6;
SRI. B.R.VISHWANATH, ADV. FOR R4 (I);
SMT. L.MANJULA, ADV. FOR R4(A TO D);
R4 (E) TO (H) - SERVED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 28.01.2021 PASSED IN WP NO.24484/2021 (SC AND ST) AND TO ALLOW THE WRIT PETITION AND CONSEQUENTLY, TO QUASH THE ORDER DATED 5.7.2012 PASSED BY THE SECOND RESPONDENT VIDE ANNEXURE-K AS WELL AS THE ORDER DATED 15.07.2011 PASSED IN K.SC.ST.19/10-11 PASSED BY THE THIRD RESPONDENT HEREIN VIDE ANNEXURE-J TO THE WRIT PETITION.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 17.10.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This writ appeal is filed challenging an Order dated 28.01.2021 in W.P.No.24484/2012 passed by the learned Single Judge.

2. We have heard Shri. Tharanath Poojary leanred counsel for the appellant, Shri, Aditya Sondhi, learned senior counsel as instructed by Shri. B. Prasad, learned Advocate for respondent No.4(M), Shri. Spoorthy Hegde learned High Court Government Pleader for respondents No.1 and 3, Shri. Aparna N learned counsel for respondents No.5 and 6 and Shri. B. R Vishwanath learned counsel for respondent No.4 (L) and Smt. L. Manjula learned counsel for respondent No.4 (A to D).

3. The learned counsel appearing for the appellant submits that land bearing measuring 30 guntas situated in Sy.No.14 at Kadubisanahalli Village, Varthur Hobli, Bangalore East Taluk was granted in favour of respondent No.4, who belongs to the Bovi community, which is classified as a Scheduled Caste, at a reduced upset price by the Amildar, Bangalore South Taluk in proceedings No.6-GD-20/1953-54 dated 13.08.1953. A Saguvali Chit was issued in her favour, which contained a condition prohibiting alienation of the land for a period of fifteen years.

4. Respondent No.4 sold an extent of 15 guntas out of the granted land in favour of the appellant under a registered Sale Deed dated 13.12.1996, and the name of the appellant was mutated in the revenue records in M.R.No.2/1997-98. The sale was effected after the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 ('PTCL Act' for short) came into force on 01.01.1979. Thereafter, respondent No.4 executed another registered sale deed dated 22.06.2005 in respect of the remaining extent of land

in favour of Smt. Radhamma and her sons, Shri N. Ravikumar and Shri N. Basavaraj.

5. On a complaint made by an organisation called the 'Dalit Okkoota Samithi' alleging that certain persons had grabbed land in Sy.No.14 of Kadubisanahalli Village, the Tahasildar, Bangalore East Taluk, by his report dated 23.04.2003, requested the Special Deputy Commissioner, Bangalore District to initiate proceedings under Section 136(3) of the Karnataka Land Revenue Act, 1964. The Special Deputy Commissioner, by order dated 28.06.2004, held that respondent No.4 was in unauthorised occupation of the land and directed that the entries made in the revenue records in her name be cancelled and that the land be entered in the name of the Government. The entry in favour of the appellant in respect of the 15 guntas purchased by him also came to be deleted.

6. Respondent No.4 and the appellant jointly challenged the said order in W.P.No.4541/2005. This Court by order dated 29.03.2005, noticed that the proceedings had been conducted against one Smt. Muniyamma, wife of

Shri. Narayanappa, and not against respondent No.4 (Smt. Muniyamma w/o Shri. Yellappa), and without notice to respondent No.4 or the appellant. The order dated 28.06.2004 was accordingly quashed, and the matter was remitted to the Special Deputy Commissioner for fresh consideration. On remand, the Special Deputy Commissioner, by order dated 07.06.2006, remitted the matter to the Assistant Commissioner, Bangalore North Sub-Division to conduct a thorough enquiry and to verify whether there were any grant records relating to the land, and the matter was registered as RRT No.22/2006-07.

7. While the said proceedings were pending, respondent No.4 filed a petition under Section 5 of the PTCL Act on 27.12.2007, seeking restoration of the land. The Assistant Commissioner, by order dated 05.05.2009, found that the grant in favour of respondent No.4 and the entries made in the revenue records in her name had been called in question and that the matter was pending adjudication in the proceedings under Section 136 of the Karnataka Land Revenue Act. The proceedings were therefore dropped, with

liberty to respondent No.4 to file a fresh petition after the conclusion of those proceedings. Thereafter, by order dated 28.04.2010, the Assistant Commissioner held that the grant made in favour of respondent No.4 was genuine and directed that the entries in the revenue records be restored in her name.

8. Respondent No.4, thereafter, filed a fresh petition dated 15.07.2011 as evidenced by Annexure - J, under Section 5 of the PTCL Act against the appellant and others, seeking a declaration that the sale deeds dated 13.12.1996 and 22.06.2005 were null and void and for restoration of the land in her favour. The appellant contested the proceedings. The Assistant Commissioner, by order dated 15.07.2011, held that both the alienations had taken place after the PTCL Act came into force and without the previous permission of the Government as required under Section 4(2) of the PTCL Act. Both the sale deeds were therefore declared null and void, and it was ordered under Section 5(1)(a) and (b) of the PTCL Act that the land measuring 30 guntas is be

resumed to the Government and restored in favour of respondent No.4.

9. The appellant preferred an appeal under Section 5A of the PTCL Act before the Deputy Commissioner, Bangalore. During its pendency, the appellant filed an application seeking to implead respondents No.5 and 6, contending that the land purchased by him had been subsequently sold to respondent No.6 through respondent No.5, his General Power of Attorney holder. The Deputy Commissioner, by order dated 05.07.2012, held that the grant in favour of respondent No.4 stood confirmed by the order passed in RRT No.22/2006-07, to which the appellant was also a party, and that the appellant, having been a co-petitioner with respondent No.4 in W.P.No.4541/2005, could not plead otherwise. It was held that the alienation, having been made after the commencement of the PTCL Act without the previous permission of the Government, was null and void, and that in view of Section 4(3) of the PTCL Act, the pendency of civil proceedings was no bar. The appeal was accordingly dismissed.

10. Aggrieved, the appellant filed W.P. No.24484 of 2012 challenging the order dated 15.07.2011 passed by the Assistant Commissioner, Bangalore North Sub-Division in No.K.SC.ST.19/2010-11 and the order dated 05.07.2012 passed by the Deputy Commissioner, Bangalore District in Appeal No.SC.ST(A)83/2011-12.The learned Single Judge, noticing that the land was a granted land and that it was an admitted fact that no prior permission had been obtained, considered the sole contention that the application of respondent No.4 was liable to be dismissed on the ground of delay and laches. Relying on the decision of the Apex Court in ***Satyan v. Deputy Commissioner and Others***, and taking note of the fact that respondent No.4 had been pursuing the proceedings under Section 136 of the Karnataka Land Revenue Act, the learned Single Judge held that the delay could not be held to be such that the application was required to be dismissed, and dismissed the writ petition by order dated 28.01.2021.

11. This writ appeal was earlier allowed by a Division Bench of this Court by judgment dated 12.04.2022, holding

that the application under Section 5 of the PTCL Act, filed in the year 2007, nearly eleven years after the sale, was beyond a reasonable period, and the orders of the Assistant Commissioner and the Deputy Commissioner were quashed. Respondent No.4 sought review of the said judgment in R.P. No.526 of 2022. By order dated 09.01.2023, the Division Bench found that the grant in favour of respondent No.4 had been cancelled on 28.06.2004, which was challenged in a writ petition, and that the grant was restored in her favour only on 28.04.2010, and that this aspect of the matter had not been dealt with while passing the judgment. The judgment dated 12.04.2022 was accordingly recalled and the writ appeal was restored to file. The writ appeal was thereafter admitted on 01.02.2023.

12. The learned counsel for the appellant contends that respondent No.4 voluntarily executed the sale deed in favour of the appellant on 13.12.1996 for valuable consideration, and approached the Assistant Commissioner under Section 5 of the PTCL Act only on 27.12.2007, after a delay of eleven years. It is contended that the said delay is

unexplained and vitiates the entire proceedings. It is also contended that the pendency of the proceedings under Section 136 of the Karnataka Land Revenue Act did not prevent respondent No.4 from approaching the authority under the PTCL Act. It is contended that where no period of limitation is prescribed, the power under Section 5 of the PTCL Act, must be invoked within a reasonable time, beyond which no relief can be granted.

13. It is further contended that the Assistant Commissioner, having closed the proceedings initiated by respondent No.4 on account of the pendency of the proceedings under Section 136 of the Karnataka Land Revenue Act could not have entertained the same claim again and ordered restoration. It is also contended that several other alienations have taken place in respect of the land, and that the application preferred belatedly by respondent No.4 for restoration, without seeking restoration as against the other alienees, is unsustainable. It is therefore prayed that the writ appeal be allowed and the orders of the Assistant Commissioner and the Deputy

Commissioner be set aside. Reliance is placed on the judgment of ***Sri. Venkataswamy and Ors. v. The Special Deputy Commissioner and Ors***, order dated ***28.03.2025*** passed in ***W.A.22/2023.***

14. The learned Senior Counsel appearing for respondent No.4(m) contends that the learned Single Judge rightly held that the delay in filing the application under Section 5 of the PTCL Act could not invalidate the order of restoration. It is submitted that this writ appeal was earlier allowed on the premise that the delay was of eleven years, but that the said judgment was recalled in R.P..No.526/2022, since the Division Bench found that the grant in favour of respondent No.4 had been cancelled on 28.06.2004 and was restored only on 28.04.2010, and that this aspect had not been considered. It is contended that during this period, respondent No.4 was diligently prosecuting the proceedings under Section 136 of the Karnataka Land Revenue Act and that her first application under Section 5 of the PTCL Act, filed in the year 2007, was closed only because the grant itself was then under

adjudication. It is therefore contended that the actual delay is only less than eight years.

15. It is further contended that the sale having been made after the commencement of the PTCL Act without the previous permission of the Government is void, and that the appellant who had himself supported the case of respondent No.4 regarding the grant, cannot now question it. Relying on the decisions of the Apex Court in ***Satyan****'s case* (supra), and of a co-ordinate Bench of this Court in ***Smt. Kavita v. Deputy Commissioner and Others*** passed in ***W.A.No.100893/2015*** Order dated ***02.07.2020***, it is contended that a delay of such duration in approaching the authority under a beneficial legislation cannot be pleaded as a ground to invalidate an order validly passed.

16. The learned Senior Counsel has placed reliance on the following decisions:-

- ***Smt. Muniyamma v. Sri. T. Naraya and Ors,*** vide order dated ***09.01.2023*** passed in ***RP 526/2022;***
- ***Satyan v. Deputy Commissioner and Ors,*** reported in ***AIR 2019 SC 2797;***

- ***Sri. K.Rajendran v. The Deputy Commissioner and Ors.,*** vide order dated ***28.03.2018*** passed in ***WP 12242/2018;***

- ***Smt. Kavita v. The Deputy Commissioner and Ors.,*** vide order dated ***02.07.2020*** passed in ***WA 100893/2015;*** and

- ***Sri Nagaraju v. Deputy Commissioner and Ors.,*** vide order dated ***16.03.2021*** passed in ***WA 82/2020***.

17. We have considered the contentions advanced. We notice that the initial grant of land was in favour of Smt. Muniyamma w/o Shri. Yellappa - respondent No.4 herein. She had executed a sale deed in favour of the appellant on 13.12.1996. Thereafter, proceedings were initiated by the Special Deputy Commissioner against the respondent No.4 under Section 136 of the Karnataka Land Revenue Act. By an order dated 28.06.2004, the entries made in the revenue records in her name were cancelled, and entries were directed to be made in the name of the Government. The said decision was challenged by the respondent No.4 and the appellant in W.P.No.4541/2005, which was allowed on 29.03.2005, remitting the matter for a fresh consideration.

Thereafter, an order was passed in the year 2010 restoring the grant.

18. In the meanwhile, respondent No.4 had filed an application under Section 5 of the PTCL Act on 27.12.2007. By Annexure - 'F' Order dated 05.05.2009, the Assistant Commissioner had found that the grant of land in favour of respondent No.4 and the entries made in the revenue records in her name have been cancelled and the matter is pending adjudication. In the circumstances, the proceedings were dropped with liberty to respondent No.4 to file fresh petition after the proceedings under Section 136(3) of the Karnataka Land Revenue Act were concluded.

19. After the grant was restored in 2010, a fresh petition dated 15.07.2011 as evidenced by Annexure-J seeking restoration of the land sold to the appellant herein. The application was allowed and the appeal preferred by the appellant was rejected, which led to the filing of the writ petition.

20. In the writ petition, the learned Single Judge found that the decisions of the Apex Court in ***Nekkanti Rama Lakshmi v. State of Karnataka and Another,*** reported in ***ILR 2018 KAR 352 (SC)***, and ***Vivek M. Hinduja and Others v. M. Ashwatha and Others*** reported in ***2018 (1) Kar.L.R. 176 (SC)***, have been rendered where the matter involved huge delay of 20 to 30 years and that the delay of around 8 years could not be said to be such as to invalidate an order of restoration under Section 5 of the PTCL Act. The writ petition was accordingly dismissed.

21. Having considered the contentions advanced, we are of the opinion that the fact that the grant was annulled in 2004 and restored only in 2010, is a factor which has to be taken into account while considering the delay in the instant matter. The sale by respondent No.4 in favour of the appellant herein, was admittedly one executed on 13.12.1996. It is an admitted case that there was no prior permission obtained before the property was sold by the respondent No.4. It is also not in dispute that the land in

question is granted land. Therefore the only question to be considered would be whether respondent No.4 had approached the authority under the PTCL Act after an unexplained delay which would invalidate the order of the Assistant Commissioner.

22. The facts in ***Nekkanti Rama Lakshmi's*** *case* (supra) was that there was an inordinate, unexplained delay of nearly three decades in making the application for restoration. The said matter is pending in review before the Apex Court. However, the learned Single Judge has clearly considered the factual aspects in this matter, that in view of the proceedings with regard to the genuineness of grant which were pending before the appropriate authorities a delay in filing an application under Section 5 by respondent No.4 cannot be said to be inordinate. The Apex Court in ***Satyan****'s case* (supra) has held as follows:-

> ***"33.*** *x x x x x*
> *Suffice it to say that a delay of eight (8) years by itself cannot come in the way of the competent authority taking the action, as limitation principles would not apply, as observed in Amrendra Pratap Singh v. Tej Bahadur Prajapati [(2004) 10 SCC 65] . The cases*

> *referred to by the learned Senior Counsel for the appellant involved huge gaps of around twenty (20) to thirty (30) years, which is not so in the present case.*
>
> ***34.*** *The period of eight (8) years cannot be said to be such, as to amount to such delay and laches as would make the action void, considering that it is in respect of a beneficial legislation for the Scheduled Castes and Scheduled Tribes community."*

The same view is followed by this Court in ***Kavita****'s case* (supra) as well.

24. In the facts and circumstances of the instant case, and in view of the judgment of the Apex Court in ***Satyan****'s case* (supra) and this Court in ***Kavita****'s case* (supra), we are of the opinion that the contention raised by the appellant that the delay of 8 years in approaching the authority under Section 5 of the PTCL Act is an inordinate delay which should invalidate the order passed by the Assistant Commissioner cannot be accepted. The further contention raised with regard to the nature of the grant are not available to the appellant who had joined respondent No.4 in her challenge against the order of the Deputy Commissioner. The contention that the application had once

been closed and could not be reopened is also devoid of merits, since the application was closed with specific liberty to approach afresh after the validity of the grant is decided. In the circumstances, we find no merit in the appeal.

The appeal fails and is accordingly, ***dismissed.***

All pending Interlocutory Applications shall stand *disposed of.*

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

cp*