Reserved on : 25.09.2026
Pronounced on : 04.11.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 7300 OF 2026

BETWEEN:

1. SMT. GOWRAMMA,
W/O LATE MUNINARAYANAPPA,
AGED ABOUT 81 YEARS,
RESIDING AT
KHAJISONNENAHALLI VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU – 560 067.

2. SRI M.HARISH,
S/O LATE MUNINARAYANAPPA,
AGED ABOUT 39 YEARS,
RESIDING AT
KHAJISONNENAHALLI VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU – 560 067.

3. SRI M. NATARAJA,
S/O LATE MUNINARAYANAPPA
AGED ABOUT 46 YEARS,
RESIDING AT

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Location: High Court of Karnataka

KHAJISONNENAHALLI VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU – 560 067.

4. SMT. MANJULA,
AGED ABOUT 51 YEARS,
RESIDING AT
KHAJISONNENAHALLI VILLAGE,
BIDARAHALLI HOBLI, BENGALURU EAST TALUK,
BENGALURU – 560 067.

…PETITIONERS

(BY SMT.LAKSHMY IYENGAR, SR.ADVOCATE A/W
SRI ABHINAY S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KADUGODI POLICE STATION,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNTAKA,
BENGALURU – 560 001.

2. SRI DODDAGIRIYAPPACHARI,
S/O LATE GIRIYAPPACHARI,
AGED ABOUT 82 YEARS,
RESIDING AT
KHAJISONNENAHALLI VILLAGE,
KADUGODI, BENGALURU CITY,
KARNATAKA – 560 067.

…RESPONDENTS

(BY SMT.DEEPTHI ALVA, HCGP FOR R-1;
SRI SOMASHEKARA K.M., ADVOCATE FOR R-2)

THIS CRL.P FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO ALLOW THIS CRL.P AND QUASH THE FIR IN CR.NO.209/2026 DATED 11.05.2025 REGISTERED BY KADUGODI P.S., BENGALURU CITY, PENDING BEFORE THE ACJM, BANGALORE RURAL DISTRICT, FOR THE OFFENCES P/U/S 329(3), 352, 351(2), 351(3) AND 190 OF BNS, 2023, INSOFAR AS THE PETITIONERS ARE CONCERNED.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 25.09.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

CAV ORDER

Petitioners - accused Nos.2, 3, 4 and 5 are before the Court calling in question registration of a crime in Crime No.209/2026 for the offences punishable under Sections 329(3), 351(2), 351(3), 352 and 190 of the BNS, now pending before the Additional Chief Judicial Magistrate, Bengaluru Rural District.

2. Heard Smt. Lakshmy Iyengar, learned senior counsel for the petitioners, Smt. Deepthi Alva, learned High Court Government Pleader for respondent No.1 and Sri Somashekara K.M., learned counsel for respondent No.2.

3. Facts in brief, germane, are as follows:

It would suffice if the narration commences from the execution of a sale deed dated 21.04.2006 concerning 1 acre 36 guntas in Survey No.143 through a General Power of Attorney. This sale deed becomes the subject matter of a writ petition preferred by respondent No.2 before this Court in W.P.No.14207/2025, from which the dispute between the petitioners and respondent No.2 springs. A coordinate Bench of this Court dismisses the writ petition in terms of the order dated 26.09.2025. Against the said order, the complainant prefers a writ appeal in W.A.No.1657/2025, and an order of maintenance of status quo is granted on 03.10.2025 by a Division Bench of this Court. The writ appeal then comes to be dismissed for non-compliance with the office objections**.** An application seeking recall of the order of dismissal and restoration is filed by the complainant, and the appeal is restored to file in terms of the order dated 27.11.2025, but no fresh interim order is granted**.** In the interregnum, the subject crime comes to be registered for the offences punishable under Sections 329(3), 351(2), 351(3), 352 and 190 of the BNS. It is the registration of the crime that has driven the petitioners to this Court in the subject petition.

4. Smt. Lakshmy Iyengar, learned senior counsel appearing for the petitioners, would vehemently contend that there are no ingredients of the offences alleged against the petitioners, as the entire fulcrum of the lis concerns the property or its boundaries mentioned in the aforesaid sale deed of the year 2006. It is a dispute between rival claimants to the land. The learned senior counsel would submit that the criminal justice machinery should not be permitted to be used against the petitioners, as it is a property dispute or a dispute concerning the boundaries of the property, which is purely civil in nature.

5. *Per contra,* Per contra, Sri Somashekhara K.M., learned counsel appearing for respondent No.2, would vehemently refute the submissions, contending that the dispute may seem to be civil in nature but the possession of the property at the hands of respondent No.2 is disturbed by the petitioners, and this disturbance amounts to trespass. Therefore, the offence under Section 329(3) of the BNS, which was Section 447 of the IPC, the earlier regime, is alleged. Learned counsel submits that the crime is registered for the very reason and the investigation must be permitted to continue in the least. It is always open for the

petitioners to knock at the doors of the appropriate *fora* in the event the final report is filed and goes against the petitioners.

6. Smt. Deepthi Alva, learned High Court Government Pleader appearing for respondent No.1 – State, would also toe the lines of the learned counsel appearing for respondent No.2 – complainant, contending that the crime is registered and must be investigated into. Insofar as the facts that have led to registration of the crime are concerned, the learned High Court Government Pleader would not dispute that there is a lurking dispute between the petitioners and respondent No.2 concerning the property or its boundaries.

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

8. The afore-narrated facts are not in dispute. A little history to the dispute is required to be noticed before proceeding to consider the issue in the *lis.*

8.1. A land in Survey No.143 of Khajisonnenahalli Village, Bidarahalli Hobli, Bengaluru East Taluk, measuring 6 acres 15

guntas, is said to have been granted in the name of one T. Poojappa on 02.04.1947. After the said grant, the son of the original grantee initiates proceedings under Section 5 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short 'the PTCL Act'), and by an order dated 15.05.1998, the Assistant Commissioner allows the application and orders resumption and restoration of possession of the land to an extent of 3 acres 26 guntas out of 6 acres 15 guntas. The order is said to have been confirmed by the Deputy Commissioner in terms of the order dated 07.02.2000. Aggrieved by the said orders, one Smt. Basamma and her daughters prefer a writ petition in W.P.No.31871/2000 before this Court. The writ petition is said to have been dismissed, thereby upholding the orders passed by the authorities, and subsequently the land comes to be restored at the hands of the legal heirs of the original grantee.

8.2. One Muninarayanappa and his family members, the legal heirs of the original grantee, execute a General Power of Attorney on 19.04.2006 in favour of one B.M. Ramesh, authorizing him to alienate 1 acre 36 guntas of land in Survey No.143.

Respondent No.2 purchases the land to an extent of 1 acre 36 guntas by a sale deed executed by the General Power of Attorney holder on 21.04.2006. It transpires that thereafter the mutation is effected in the name of respondent No.2 in M.C.No.69/2005-06. On 20.08.2015, Muninarayanappa and the family members execute a release deed in favour of respondent No.2, ratifying the sale deed executed by the General Power of Attorney holder. It is said that respondent No.2 is in possession of the said property. After about eighteen years from the date of the sale, one M. Harisha, one of the sons of Muninarayanappa, initiates proceedings under Section 5 of the PTCL Act before the Assistant Commissioner seeking resumption and restoration of possession of the land that was the subject matter of the earlier proceedings. By an order dated 27.08.2024, the Assistant Commissioner allows the application and declares the sale deed executed on 21.04.2006 as null and void. The order of the Assistant Commissioner comes to be challenged before the Special Deputy Commissioner, who confirms the order and dismisses the appeal. This becomes the subject matter of W.P.No.14207/2025.

9. An interim order is said to have been initially granted, directing the parties to maintain *status quo*. Subsequently, the coordinate Bench of this Court, by an order dated 26.09.2025, dismisses W.P.No.14207/2025 in the following terms:

> "5. Learned counsel for the petitioner submitted that the sale could not have been annulled when admittedly prior sanction was granted by the State Government, in terms of Section 4(2) of the PTCL Act. Secondly, delay of more than 18 years was not explained and having regard to the law declared by the Hon'ble Supreme Court in the case of ***Nekkanti Rama Lakshmi Vs. State of Karnataka And Another*** **(2020) 14 SCC 232** and ***Sri Vivek M Hinduja And Others Vs. M.Ashwatha And Others*** **(2020) 14 SCC 228**, although no period of limitation is prescribed in the Act for filing a petition, nevertheless, the petition has to be filed within reasonable period.
>
> 6. Learned counsel for the petitioner would also place reliance on a recent decision of a Co-ordinate bench of this Court in the case of ***Smt. Rudramma and others Vs. State of Karnataka and others,*** in ***W.P.No.29559/2018*** dated ***09.04.2025,*** where it is held that the provision contained in Section 4 of the Act are attracted only when the granted lands have been transferred for the first time in contravention of the terms of the grant and it does not contemplate to govern the transfer made after the lands have been resumed and restored to the grantee under the Act. It is held that the intent of law is thus manifestly clear, that it is designed to undo a wrong by declaring the alienation void and restore the land to the grantee so that he can utilize the land for the purpose that it is granted. While framing the question, "Whether these provisions could be invoked for a second time after the lands have been resumed and restored to the grantee?", the Co-ordinate bench held that the provisions of the PTCL Act were not meant to grant a licence to grantees to sell the lands that were resumed in their favour and once again seek restoration. It was held that a grantee cannot abuse a remedial statute to perpetuate an illegality and, at the same time, secure a process which

legitimizes his illegal act repeatedly. The Co-ordinate bench also noticed a decision of a Division Bench of this Court in the case of ***Bhadre Gowda Vs. Deputy Commissioner - (2012) 2 KCCR 1529***, where it was held, *"we are satisfied that repeated sales at the hands of the original grantee constitutes the offence of cheating under Section 420 of the Penal Code, 1860. A person who cheats is definitely not entitled to seek restoration of the granted land and retain the consideration received by him by sale thereof…….. It also needs to be recorded here, that when a grantee repeatedly sells the granted land, it is open to the vendee to initiate criminal prosecution against him. Such repeated sale is nothing but a process of cheating."* Thus, the Co-ordinate Bench has proceeded to hold that on a plain reading of Section 4, it cannot be in doubt that an alienation made in contravention of the terms of the grant or under a transfer in violation of Section 4(2) would be null and void. However, it was also held that Section 4 only contemplated that a transfer made for the first time alone was required to be annulled and it did not contemplate subsequent alienations made by a grantee after the lands were restored in his favour.

7. Learned Counsel for the petitioner further submitted that after the impugned orders are passed by the Assistant Commissioner and Deputy Commissioner, respondent No.4 has entered into an agreement with respondent No.3, agreeing to sell the lands in question. This shows that respondents No.3 and 4, in collusion with each other are trying to defraud the petitioner and are defrauding the Government, while misusing the provisions of the beneficial legislation. Respondent No.4 has further entered into an agreement with another Multinational Company, trying to make a windfall at the cost of the petitioner. It is submitted that the conduct of respondents No.3 and 4 should be taken into consideration, as held in the case of ***Bhadre Gowda*** (supra).

8. Per contra, learned Senior Counsel Sri.Gurudas S.Kannur, appearing for respondent No.4 submitted that the petitioner, knowing fully well that sanction has been accorded by the State Government on 15.11.2005, at Annexure-H permitting Sri Muninarayanappa S/o T.Poojappa to sell the

property in question in favour of respondent No.3-Sri.B.M.Ramesh on certain conditions that the purchaser should be eligible to purchase the land under the provisions of the Karnataka Land Reforms Act; that the applicant should sell the lands as per the prevailing market value; that the applicant shall purchase agricultural lands from the sale proceeds received from the transaction, nevertheless, the petitioner proceeded to purchase the property from respondent No.3. It is submitted that the petitioner cannot make allegations against respondent No.4, since the petitioner willfully purchased the lands from respondent No.3 who was not the owner of the property and he was not the person who was permitted to sell the property. Moreover, the permission granted by the State Government enabled sale by respondent No.4 in favour respondent No.3 only. The conduct of the petitioner should fall under a scanner and not the conduct of respondent No.4.

9. Learned Senior Counsel submitted that since respondent No.4 did not sell the property in favour of the petitioner herein, the cause of action to invoke the provisions of the PTCL Act did not commence from the date of the sale deed or the registration of the same. The cause of action, at the most, may begin to run from the date of execution of the Deed of Confirmation dated 20.08.2015 and the second Deed of Confirmation dated 24.08.2015. The application under Section 5 was filed before the Assistant Commissioner on 08.02.2024, after delay of about 8 years and 05 months. It is submitted that in the case of ***Satyan Vs. Deputy Commissioner and others*** **(2020) 14 SCC 210** the Apex Court has held that a period of 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 beneficial legislation for the Scheduled Castes and Scheduled Tribes community.

10. Learned Senior Counsel submitted that this Court in the case of ***A K Chikkaveerappa and Others Vs. The Assistant Commissioner and Others*** reported in **2022 (3) KCCR 2022** has held as follows:

"8. As noticed in the beginning, this case presents another bleak picture of the manner in which the officials of the Revenue Department have been ignoring the guidelines issued by the State Government while considering an application seeking prior permission of the State Government in terms of Section 4(2) of the Act. This Court has been repeatedly bringing it to the notice of the State Government that while considering an application under Section 4(2) of the Act, persons claiming to be holders of Powers of Attorney should not be entertained by the State Government. The very purpose for which provisions are made under the Act, the Rules and the Circulars issued by the State Government in the matter of considering of an application under Section 4(2) of the Act is to ensure that the persons belonging to the depressed classes are not taken for a ride. This avowed objective of the statute is keeping in mind the poverty, illiteracy and innocence of such persons who have been granted with lands so that they cultivate the lands and eke out a living and stand shoulder to shoulder with other persons in the Society. This Court has come across numerous such instances where applications are made by third parties claiming to be the holders of Powers of Attorney, while the gullible grantees are kept in dark not only about the restrictions placed in the statute in the matter of transacting with such granted lands, but also provision being made to ensure that proper market value is paid by the purchasers to such grantees. It is in this regard that certain conditions are imposed while granting prior permission. One such conditions is that the grantee who is disposing of the agricultural lands, shall purchase an alternative agricultural land in order to maintain himself and his family. Conditions are also imposed that the prevailing market value shall be paid to the grantee. It is in order to ensure that these conditions are fulfilled, the authorities are required to find out from the original grantee as to whether he intends to sell the property; to whom he is selling the property and what is the sale consideration. After ascertaining all these aspects, the authorities are required to accord permission.

9. It is found that in many such instances, persons claiming to be Powers of Attorney of the original

grantee approach the State Government and the persons manning the Department are not adhering to the guidelines issued by the State Government. As seen in the present case, a General Power of attorney is got registered at the hands of the original grantee. In the considered opinion of this Court, execution of a general Power of Attorney granting powers to deal with the property and sell the property is equally hit by the provisions of the Act…"

(emphasis supplied)

And further, in paragraphs No.11 and 12 it was held as follows:

"11. Going by the letter and spirit of the provision, this Court does not hesitate to hold that if such Powers of Attorney are permitted to be executed by the grantees empowering the Attorney to deal with the granted land, it will pave way to defraud gullible grantees. The present case is one such example. A look at the sale deed dated 13.04.2006 evidences the fact that no sale consideration is passed on to the original grantee and obviously the registered General Power of Attorney dated 07.04.2005 is not coupled with interest. The words 'or enter into any other transaction' used in the provision would encompass Power of Attorney also. The law prohibits the grantee from transferring and any person from acquiring granted land, without the previous permission of the Government. This Court has come across several such instances where gullible grantees are tricked into executing Powers of Attorney on the premise that the Attorney will secure the permission from the State Government.

12. In that view of the matter, it is trite to hold that the Power of attorney registered by the original grantee in favour of the 5th respondent is hit by the provisions of the Act. Section 4(2) would definitely apply even in a case of Power of attorney, since the instrument seeks to grant power in favour of the attorney to sell the property in favour of any other person. In the considered opinion of this Court, such execution of powers of attorney granting powers to dispose of the property or to approach the State Government seeking prior permission under Section 4(2) of the Act, is also not permissible."

(emphasis supplied)

11. Consequently, it was held that when permission was accorded by the State Government to Sri.A K Chikkaveerappa to sell the lands in favour of Sri.Munianjanappa, a sale deed could not have been executed at the hands of the Power of Attorney holder in favour of respondent No.4, contrary to permission accorded by the State Government. Learned Senior Counsel submits that the situation is exactly the same in the present case. This Court held that under such circumstances, where a sale deed was executed by a Power of Attorney holder being without authority of law and in contravention of permission accorded by the State Government, the same is required to be held as null and void. It is submitted that the said judgment of this Court in the case of ***A K Chikkaveerpappa*** has been confirmed at the hands of the Hon'ble Division Bench in W.A.No.1402/2021 dated 21.01.2025. The Hon'ble Division Bench has held that the contentions raised by the appellants therein that appellant No.1 had purchased the property for due consideration and that he had acted on the permission granted by the State Government cannot make a difference to the factual situation as available in the instant case. It was held that the permission clearly has to be specific with regard to the person selling the property as also buying the same. The transferee as well as the transferor have to be specific in the order of permission. It was held that if such permission is not granted, same would not be valid.

12. Learned Senior Counsel would also submit that the sale deed dated 21.11.2005 under which Sri Muninarayanappa purchased 2 Acres 27 Guntas of land in Sy.No.29/3 of Sonnawadi village, Kasaba Hobli, Mulabagilu Taluk, Kolar District, has nothing to do with the petitioner or respondent No.3. The sale consideration in the said sale deed is Rs.1,90,000/- and whereas the sale consideration in the sale deed dated 21.04.2006 executed by respondent No.3 in favour of the petitioner herein is Rs.19,00,000/- and no part of the sale consideration is given to respondent No.4 or his family members. This clearly shows that the petitioner herein, knowing fully well that permission is accorded by the State Government to respondent No.4 to sell the property in

favour of respondent No.3, the petitioner has ignored the same and transacted with respondent No.3 and has paid no part of the sale consideration to respondent No.4 or his family members. Learned Senior Counsel therefore submits that the petitioner cannot make allegations against respondent No.4 or cast aspersions on respondent No.4.

13. Insofar as the judgment relied upon by the learned Counsel petitioner in the case of ***Smt.Rudramma*** (supra), learned Senior Counsel Sri.Gurudas S. Kannur, submitted that a plain reading of the provisions contained in Section 5 of the PTCL Act, does not give any impression that the provisions are attracted only in respect of one transaction or that the provisions are not attracted in respect of a second transaction or subsequent transactions. It is submitted that Section 4 of the Act, does not prescribe that once granted lands are resumed and restored in favour of the original grantee or his/her legal heirs, there is no need to obtain permission at the hands of the State Government. Learned Senior Counsel submits that the said judgment is contrary to the express provisions of the Act and the Rules.

14. Even otherwise, it is submitted that the petitioner has proceeded to purchase the property on the strength of the sanction accorded by the State Government. In that view of the matter, learned Senior Counsel submits that the petitioner is blowing hot and cold, if on the one hand, he is contending that in terms of the judgment in the case of ***Smt.Rudramma,*** there is no need for a grantee or his legal heirs to obtain prior sanction of the Government for a subsequent sale since the property has been resumed and restored under the provisions of the PTCL Act in terms of the previous proceedings and on the other hand, the petitioner is contending that he has purchased the lands after obtaining permission from the Government.

15. Heard learned Counsel Sri.Mohammed Akil, for the petitioner, learned Counsel Sri.C.Shivashankar for respondent No.3, learned Senior Counsel Sri.Gurudas S. Kannur for

respondent No.4 and learned High Court Government Pleader for respondents No.1 and 2 and perused the petition papers.

16. It remains undisputed that an application was filed in the name of Sri.Muninarayanappa, on 15.11.2005 seeking permission from the Government in terms of Section 4(2) of the Act. Official Memorandum was issued on 07.12.2005 permitting Sri Muninarayanappa to sell the property in favour of Sri B.M.Ramesh, respondent No.3 herein. However, a General Power of Attorney dated 19.04.2006 is executed by Sri Muninarayanappa, his wife Smt.Gowramma and their children, minors represented by their father Sri Muninarayanappa empowering the third respondent Sri B.M.Ramesh to sell the property and receive sale consideration on behalf of the executants therein. It is noticeable that there is a mention of the Official Memorandum dated 07.12.2005 stating that prior permission has been obtained from the Government. No sale consideration is shown to have been passed to the executants. The General Power of Attorney is registered in the office of the Sub-Registrar, K.R.Puram on 19.04.2006. On 21.04.2006 the third respondent executes a sale deed in favour of the petitioner herein on the strength of the registered Power of Attorney. It is stated in the sale deed that the entire sale consideration of Rs.19,00,000/- is paid by the petitioner to the third respondent, by cash.

17. It is under similar such circumstances that this Court held in the case of ***A.K.Chikkaveerappa*** (supra) that this Court has come across numerous such instances where applications are filed by third parties claiming to be holders of Power of Attorney, seeking permission at the hands of the Government, while the gullible grantees are kept in dark not only about the restrictions placed in the statute in the matter of transacting with such granted lands, but also provision being made to ensure that proper market value is paid by the purchasers to such grantees. In this case, although it is not clear as to whether the third respondent got the permission from the Government in the name of Sri Muninarayanappa, however, it is clear that in violation of the terms of sanction granted by the Government, the third respondent got a General Power of Attorney executed in the place of a sale

deed. No sale consideration is passed on to Sri Muninarayanappa or his legal heirs.

18. However, learned Counsel for the petitioner sought to place reliance on ***Sri A.K.Chikkaveerappa*** (supra) where this Court having regard to the definition of the word 'transfer' in Section 3(1)(e) of the Act held that execution of a General Power of Attorney granting powers to deal with the property and sell the property would amount to transfer. Even if that argument is accepted, nevertheless there is utter violation of the conditions imposed in the sanction accorded by the Government. One of the conditions imposed on the purchaser viz., Sri B.M.Ramesh, respondent No.3 is that he shall pay the market value to Sri Muninarayanappa. The other condition is that out of the sale proceeds, Sri Muninarayanappa is required to purchase another piece of agricultural land, as an alternative for his livelihood.

19. Regarding the contention of the petitioner that there is compliance of the conditions imposed in the permission granted by the Government inasmuch as Sri Muninarayanappa purchased alternative lands under sale deed dated 21.11.2005, and having regard to the chronology of events, where permission was granted by the Government on 07.12.2005, it cannot be contended by the petitioner or respondent No.3 that Sri Muninarayanappa purchased the lands from out of the sale proceeds flowing from the sale deed dated 21.04.2006 or that Sri Muninarayanappa, purchased the lands from any advance amount paid by the petitioner or respondent No.3. Neither the registered Power of Attorney dated 19.04.2006 nor the registered sale deed dated 21.04.2006 mention any such transaction or payment made to Sri Muninarayanappa. Therefore, such a contention raised by the learned Counsel for the petitioner that Sri Muninarayanappa purchased the lands under sale deed dated 21.11.2005 from out of the sale proceeds of the lands in question, cannot be accepted.

20. The third respondent and the petitioner herein have violated the conditions imposed in the sanction accorded

by the Government inasmuch as the third respondent not purchasing the property from Sri Muninarayanappa. The petitioner too is guilty of violating the express conditions imposed by the Government. The learned Senior Counsel for respondent No.4 is right, while pointing out to the decision of the Hon'ble Division Bench in W.A.No.1402/2021, where it was held as follows:

> *"9. In the above factual situation, we are of the opinion that the contentions raised by the appellants that appellant No.1 had purchased the property for due consideration and that he had acted on the permission granted by the State government cannot make a difference to the factual situation as available in the instant case.*
>
> *10. There is a clear bar as to transfer and acquisition of granted land without prior permission of the State government. The prior permission clearly has to be specific with regard to the person selling the property as also buying the same. The transferee as well as the transferor have to be specific in the order of permission. If such permission is not granted, same would not be valid."*
>
> *(emphasis supplied)*

21. In the above analysis, this Court does not find any infirmity in the impugned orders passed by the Assistant Commissioner and the Deputy Commissioner. The Deputy Commissioner has placed reliance on the decision of this Court in the case of ***A.K.Chikkaveerappa*** (supra) where it was held that when permission was accorded by the State Government to Sri A.K.Chikkaveerappa to sell the properties in favour of Sri Munianjanappa, a sale deed could not have been executed at the hands of the Power of Attorney holder to a third party.

22. The learned Senior Counsel for respondent No.4 is also right in his submission that since admittedly Sri Muninarayanappa or his legal heirs did not execute the sale deed in favour of respondent No.3 or the petitioner herein, the cause of action for filing an application under Section 5 of

the PTCL Act, did not arise from the date of the sale deed. At best, it can be said that the cause of action arose for respondent No.4 to move the Assistant Commissioner when he along with his family members executed the Deeds of Confirmation i.e., on 20.08.2015 and/or 24.08.2015. It is necessary to notice that Article 59 of the Limitation Act, 1963, prescribes three years for cancellation or setting aside an instrument and the time from which period begins to run is when the facts entitling the plaintiff to have the instrument cancelled or set aside 'first became known to him'.

23. The delay from the date of the Deeds of Confirmation may be around 8 years 5 months or less than 8 years. The learned Senior Counsel is right while submitting that the Hon'ble Apex Court in the case of ***Satyan*** (supra) has held that delay of 8 years is not so enormous, having regard to the objective of the beneficial legislation. In fact, the Hon'ble Apex Court has held that the law of limitation does not apply to the Act.

24. Nevertheless, since the learned Counsel for the petitioner sought to place reliance on a decision rendered by a co-ordinate Bench of this Court in the case of ***Smt.Rudramma*** (supra) to contend that if a grantee or his legal heirs, on getting the lands resumed and restored in their favour, once again choose to sell the lands that are restored to them, then, they would not be entitled to invoke the provisions of the PTCL Act, for the second time and seek resumption and restoration, this Court is required to deal with such contention. For that purpose, it would be relevant to notice the provisions contained in Sections 4 and 5 of the PTCL Act, which read as follows:

> *"4.* ***Prohibition of transfer of granted lands****.- (1) Notwithstanding anything in any law, agreement, contract or instrument, any transfer of granted land made either before or after the commencement of this Act, in contravention of the terms of the grant of such land or the law providing for such grant, or sub-section (2) shall be null and void and no right, title or interest in*

such land shall be conveyed or be deemed ever to have conveyed by such transfer.

(2) No person shall, after the commencement of this Act, transfer or acquire by transfer any granted land without the previous permission of the Government.

(3) The provisions of sub-sections (1) and (2) shall apply also to the sale of any land in execution of a decree or order of a civil court or of any award or order of any other authority.

(emphasis supplied)

5. ***Resumption and restitution of granted lands.-*** *(1) Where, on application by any interested person or on information given in writing by any person or suo-motu, and after such enquiry as he deems necessary, the Assistant Commissioner is satisfied that the transfer of any granted land is null and void under sub-section (1) of section 4, he may,-*

(a) by order take possession of such land after evicting all persons in possession thereof in such manner as may be prescribed:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard;

(b) restore such land to the original grantee or his legal heir. Where it is not reasonably practicable to restore the land to such grantee or legal heir; such land shall be deemed to have vested in the Government free form all encumbrances. The Government may grant such land to a person belonging to any of the Scheduled Castes or Scheduled Tribes in accordance with the rules relating to grant of land.

[(1A) After an enquiry referred to in sub-section (1) the Assistant Commissioner may, if he is satisfied that transfer of any granted land is not null and void pass an order accordingly.]

(2) [Subject to the orders of the Deputy Commissioner under section 5A, any order passed] under [sub-section (1) and (1-A)] 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 Assistant

Commissioner in pursuance of any power conferred by or under this Act.

(3) For the purposes of this section, where any granted land is in the possession of a person, other then the original grantee or his legal heir, it shall be presumed, until the contrary is proved, that such person has acquired the land by a transfer which is null and void under the provisions of Sub-section (1) of Section 4.

25. On a plain reading of the said provisions, this Court finds no such restriction, that an application invoking the provisions of the PTCL Act is prohibited if granted lands are transferred after they are resumed and restored in favour of the grantee or his legal heirs in an earlier round of litigation under the provisions of the Act. A larger Bench of the Apex Court, in the case of ***D.R.Venkatachalam and Others Vs. Dy. Transport Commissioner and Others*** **(1977) 2 SCC 273** held as follows:

"If we start from a theory as to what the real purpose or need is or could be, the danger is that we may be injecting a subjective notion or purpose of our own into what is, after all, a legal question of construction or interpretation, according to well recognised principles, although it may be necessary, in exceptional eases, to explain or fortify the interpretation adopted in the light of so well understood and well known a purpose or theory that we could take judicial notice of it and refer to it. The exposition of the well known purpose or theoretical foundation must, however, generally, flow from and explain an interpretation adopted, on the strength of legally acceptable and accepted canons of construction, if we are to avoid the danger of an a priori determination of the meaning of a provision based on our own pre-conceived notions of an ideological structure or scheme into which the provision to be interpreted is somehow fitted. The path of judicial certainty and predictability has to be paved with well settled principles of construction and interpretation."

(emphasis supplied)

26. In ***Gurudevdatta VKSSS Maryadit And Others Vs. State of Maharashtra And Others*** **(2001) 4 SCC 534** the Apex Court has held that an Ordinance, if does not infringe the constitutional safeguards, it cannot be examined

nor can the motive for such a promulgation be in question. Courts cannot interfere with the legislative malice in passing a statute. Interference is restrictive in nature and that too on the constitutionality aspect and not beyond the same. Legislative malice is beyond the pale of jurisdiction of the law courts and since there is no constitutional invalidity nor the same been contended before the Court, question of interference does not arise. It was reiterated that,

> *"It is a cardinal principle of interpretation of statute that the words of a statute must be understood in their natural, ordinary or popular sense and construed according to their grammatical meaning, unless such construction leads to some absurdity or unless there is something in the context or in the object of the statute to suggest to the contrary. The golden rule is that the words of a statute must prima facie be given their ordinary meaning. It is yet another rule of construction that when the words of the statute are clear, plain and unambiguous, then the Courts are bound to give effect to that meaning, irrespective of the consequences. It is said that the words themselves best declare the intention of the law giver. The Courts have adhered to the principle that efforts should be made to give meaning to each and every word used by the legislature and it is not a sound principle of construction to brush aside words in a statute as being inapposite surpluses, if they can have a proper application in circumstances conceivable within the contemplation of the statute."*
>
> *(emphasis supplied)*

27. In ***Sangeeta Singh Vs. Union of India and Others*** **(2005) 7 SCC 484** it was held as follows:

> *"Two principles of construction one relating to casus omissus and the other in regard to reading the statute as a whole appear to be well settled. Under the first principle a casus omissus cannot be supplied by the Court except in the case of clear necessity and when reason for it is found in the four corners of the statute itself but at the same time a casus omissus should not be readily inferred and for that purpose all the parts of a statute or section must be construed together and every clause of a section should be construed with reference to the context and other clauses thereof so that the construction to be put on a particular provision makes a consistent enactment of the whole statute. This would be*

> *more so if literal construction of a particular clause leads to manifestly absurd or anomalous results which could not have been intended by the Legislature. A casus omissus ought not to be created by interpretation, save in some cases of strong necessity."*
>
> *(emphasis supplied)*

28. In that view of the matter, this Court is unable to agree with the opinion of the co-ordinate Bench. A plain reading of Sections 4 and 5 of the Act, do not in any way suggest that a grantee or his legal heirs are barred from invoking the provisions of the Act alleging violation of the conditions of grant or violation of Section 4(2) of the Act which mandates prior permission of the Government for sale of granted lands in favour of Scheduled Caste and Scheduled Tribe persons, after the commencement of the Act i.e., 01.01.1979. Such an opinion will also have a bearing on the express provisions contained in Section 4(2) of the PTCL Act, which mandates prior permission for sale.

29. For the reasons stated above, this Court is of the considered opinion that the writ petition lacks merit. The writ petition is accordingly ***dismissed***."

9.1. The afore-quoted order comes to be challenged before the Division Bench in W.A.No.1657/2025. The Division Bench directs the parties to maintain *status quo* on 03.10.2025. The order reads as follows:

> "Sri Mohammed Akhil, the learned counsel for the petitioner, Sri Milind Dange, the learned Additional Government Advocate for the first and the second respondents, and Sri Vikram A. Huilgol, the learned Senior Counsel for the fourth respondent, are heard on the grant of ad interim order on perusal of the impugned order dated 26.09.2025.
>
> Sri Vikram A. Huilgol submits that his instructions are that the fourth respondent, who has the benefit of the concluded proceedings including the orders of the writ Court,

> cannot create third party interest without prior permission under Section 4 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 and that this respondent has not even made an application for permission.
>
> At this stage, Sri Mohammed Akhil submits that the appellant has had the advantage of an order of status quo which enjoins all the concerned not to change the nature of the property, an assertion which is not contested.
>
> This Court is of the prima facie view that the question answered by the impugned order, in the light of another order by a Co-ordinate Bench, will have to be examined for an authoritative decision and until then, not only should there be no third party interest in the subject property it must also be preserved in its nature without any disturbance in possession or use. Hence, interim order is granted directing the parties to maintain status quo on the title and nature/ use of the subject property as well.
>
> There shall be emergent notice returnable by 30.10.2025 to the third respondent."

9.2. The parties were thus directed to maintain *status quo.* It transpires that, pursuant to the afore-quoted order, the Assistant Commissioner passes an order of eviction, or a direction to take possession of the property, in proceedings bearing No.LRF(E)KS 87/1979-80. This is called in question before this Court in another writ petition in W.P.No.18848/2025. A coordinate Bench, by its order dated 26.02.2026, passes the following order:

> "…. …. ….
>
> 8. In that view of the matter, the writ petition is partly allowed. The impugned order passed by the Land Tribunal is accordingly quashed and set aside. However, it

is clarified that the lands belonging to T.Pujappa and his legal heirs including respondent No.7 to an extent of 6 acres 15 guntas in Survey No.143, shall not be disturbed, having regard to the recent mutation order passed by the revenue authorities. Nevertheless, a direction is hereby issued to the revenue authorities namely the Deputy Commissioner, Bengaluru Urban District and the concerned Assistant Director of Land Records to assign a separate number to 2 acres of land in survey No.143, which is the land which was purchased by Sri Akbar Basha and in whose favour a sale deed was executed by the court. A separate number shall be assigned to the said lands and the RTC now standing in the name of the private respondents herein in Survey No.143 to the extent of 6 acres 15 guntas is hereby confirmed. The entire exercise of assigning a new survey number to the lands belonging to Sri N.Krishna Reddy and the petitioners herein shall be concluded as expeditiously as possible and at any rate within a period of two months from the date of receipt of a copy of this order."

9.3. An application is then filed for modification of the order.

The order on the application is as follows:

"**ORDER ON I.A.NO.1/2026**

Though this matter was disposed of on 26.02.2026, an application has been filed at the hands of respondent No.7 in I.A.No.1/2026 seeking modification of the order.

2. Sri. Vikram A. Huilgol, learned Senior counsel appearing for respondent No.7, submits that this Court has recorded the fact that the contesting respondents are only concerned with Sy.No.143, which is not the subject matter of the application filed in Form No.7 filed at the hands of the petitioners. It was clear to this Court that since the earlier owner of the property which is claimed by the petitioners had succeeded in a suit for specific performance and in respect of property belonging to Smt. Venkatamma, the petitioners cannot claim any part of the property belonging to Sri T.Pujappa.

3. Having that in mind, while disposing of the writ petition, this Court quashed and set aside the impugned orders passed by the Land Tribunal. It was clarified that the lands belonging to Sri T. Pujappa and his legal heirs, including respondent No.7 to an extent of 6 acres 15 guntas in Sy.No.143, should not be disturbed by the petitioners. Further, directions were issued to the revenue authorities, viz., the Deputy Commissioner, Bangalore Urban District and the concerned Assistant Director of Land Records, to assign a separate number to 2 acres of land in Sy.No.143, which is the land which was purchased by Sri Akbar Basha, in terms of a sale deed executed by the Court in respect of property which was earlier belonged to Smt. Venkatamma. Directions were issued to assign a separate number to the said lands belonging to the petitioners.

4. In view of the directions issued by this Court, the Tahsildar and the Survey Settlement Authorities i.e., the Assistant Director of Land Records, surveyed the property in question and found that Sy.No.143 had a total extent of 6 acres and 15 guntas only and not 12 acres, as was stated by the learned Senior counsel appearing for the petitioner. The Tahsildar and the Assistant Director of Land Records therefore found it difficult to implement the directions issued by this Court, as 2 acres of land which belonged to the petitioner in Sy.No.143 cannot be separately identified, since the entire extent of 6 acres 15 guntas originally belonging to Sri T. Pujappa now belongs to the private respondents herein. Therefore, this application has been filed seeking modification of the earlier order passed by this Court.

5. During the previous dates of hearing, this Court called upon the Tahsildar and the ADLR to furnish certain information, more particularly the total extent of land in old Sy.No.100 and the further phodes/divisions and new survey numbers assigned in the said old Sy.No.100. Information was supplied by the revenue authorities. It was brought to the notice of this Court that in Sy.No.143, the Survey settlement records showed the name of the Sri T. Pujappa as the kardadar to the entire extent of 6 acres 15 guntas. This Court further directed the Tahsildar to place information before this Court to say from whom Smt. Venkatamma claimed properties and in which survey number. Today, the learned Additional Government Advocate submits on

instructions that the claim of Smt. Venkatamma, was in old Sy.No.129 and new Sy.Nos.129/2, 129/4, 137/1 and 137/2.

6. At this juncture, learned counsel for the petitioners submits that in the sale deed executed by the Court in favour of Sri Akbar Basha, as found at Annexure-P dated 19.09.1970, in the schedule, it is shown as 2 acres in Sy.No.100, Re-survey No.143 and the western boundary is that of Sri T. Pujappa.

7. Having regard to the material placed before this Court, this Court is of the considered opinion that the survey settlement records clearly show that, from the beginning, the name of Sri T. Pujappa has been entered in the karda in respect of 6 acres and 15 guntas of land.

8. It is also clear that Smt. Venkatamma had purchased lands and the survey settlement records indicate that the previous owners were either Sri. R. Krishna Rao or Sri. Venkataramanachari, both of whom had properties in Sy.No.129. Therefore, any claim on behalf of Smt. Venkatamma will arise only in Sy.No.129 and the four survey numbers which have been noticed herein above, viz., Sy.Nos.129/2, 129/4, 137/1 and 137/2. At any rate, no claim can arise from Smt. Venkatamma insofar as Sy. No.143 is concerned. There appears to be some mistake in the Sale Deed executed by the Court in favour of Sri Akbar Basha in mentioning the Re-Survey number.

9. At this juncture, learned Counsel for the petitioners submits that the petitioners have filed a suit in O.S.No.1775/2025 on the file of the III Addl. Senior Civil Judge, Bengaluru Rural District, seeking declaration and permanent injunction against respondent No.7 and the predecessors-in-title of the petitioners and therefore, the learned Counsel submits that any observations made by this Court in this writ petition will prejudice the interest of the petitioner in the suit.

10. On hearing the learned Counsel for the petitioners, learned Senior Counsel Sri Vikram Huilgol for respondent No.7, learned Additional Government Advocate and on perusing the material placed on record pursuant to I.A.No.1/2026, this Court is of the considered opinion that the directions earlier given by this Court to the Tahsildar and the concerned ADLR was based on the submission made by

the learned Senior Counsel appearing for the petitioner that Sy.No.143 had a total extent of 12 acres of land. This information is found to be incorrect.

11. The revenue records, survey settlement records clearly indicate that the total extent of land in Sy.No.143 is only 6 acres 15 guntas. It is also not disputed that the entire extent of 6 acres 15 guntas in Sy.No.143, was the subject matter of litigation in PTCL proceedings which has ended in favour of respondent No.7 in W.P.Nos.12843/2025 and 14207/2025.

12. In that view of the matter, this Court would recall the earlier directions issued to the Deputy Commissioner, Bengaluru Urban District, and the concerned Assistant Director of Land Records to assign a separate number to 2 acres of land in Sy.No.143 which was purchased by Sri Akbar Basha. Liberty is hereby reserved to the petitioners to work out their remedy before the Civil Court in the suit already filed by the petitioners seeking declaration of title.

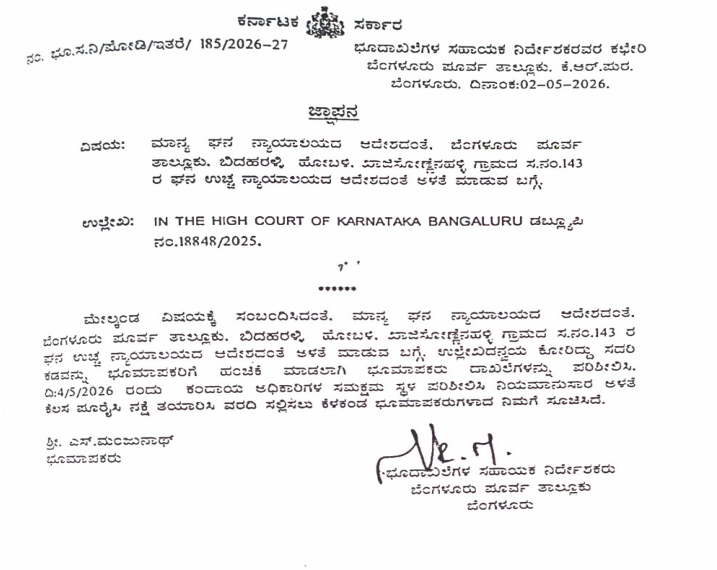
13. A further clarification is required insofar as Sy.Nos.137/1 and 137/2 is concerned. Learned Senior Counsel Sri Vikram Huilgol appearing for respondent No.7 submits while pointing out to paragraphs No.2 and 3 of the order passed by this Court that since respondent No.7 had no claims insofar as Sy.No.137/1 and 137/2 is concerned, this Court has already recorded the submission that the rejection of the application in Form No.7 filed by the petitioner insofar as Sy.Nos.137/1 and 137/2 is concerned was not called for.

14. Respondent No.7 has no claim insofar as Sy.Nos.137/1 and 137/2 is concerned. To that extent the order passed by the Land Tribunal regarding Sy.No.137/1 and 137/2 is hereby set aside. The concerned Tahsildar and the Assistant Director of Land Records shall now identify the entire extent of 6 acres 15 guntas in Sy.No.143 for the benefit of respondent No.7 herein.

All contentions are left open before the Trial Court.

Accordingly, I.A.No.1/2026 stands disposed of."

10. Pursuant to the order passed by the co-ordinate bench, the Assistant Director of Land Records makes a communication seeking to conduct Hadbast of the boundaries of the property. It reads as follows:



ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ನಂ. ಭೂ.ಸ.ನಿ/ಮೋಡಿ/ಇತರೆ/ 185/2026-27

ಭೂದಾಖಲೆಗಳ ಸಹಾಯಕ ನಿರ್ದೇಶಕರವರ ಕಛೇರಿ
ಬೆಂಗಳೂರು ಪೂರ್ವ ತಾಲ್ಲೂಕು. ಕೆ.ಆರ್.ಪುರ.
ಬೆಂಗಳೂರು. ದಿನಾಂಕ:02-05-2026.

ಜ್ಞಾಪನ

ವಿಷಯ: ಮಾನ್ಯ ಘನ ನ್ಯಾಯಾಲಯದ ಆದೇಶದಂತೆ. ಬೆಂಗಳೂರು ಪೂರ್ವ ತಾಲ್ಲೂಕು. ಬಿದಹರಳ್ಳಿ ಹೋಬಳಿ. ಬಾಜಿಸೋಣ್ಣೆಸಪಳ್ಳ ಗ್ರಾಮದ ಸ.ನಂ.143 ರ ಘನ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶದಂತೆ ಅಳತೆ ಮಾಡುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: IN THE HIGH COURT OF KARNATAKA BANGALURU ಡಬ್ಲ್ಯೂಪಿ ನಂ.18848/2025.

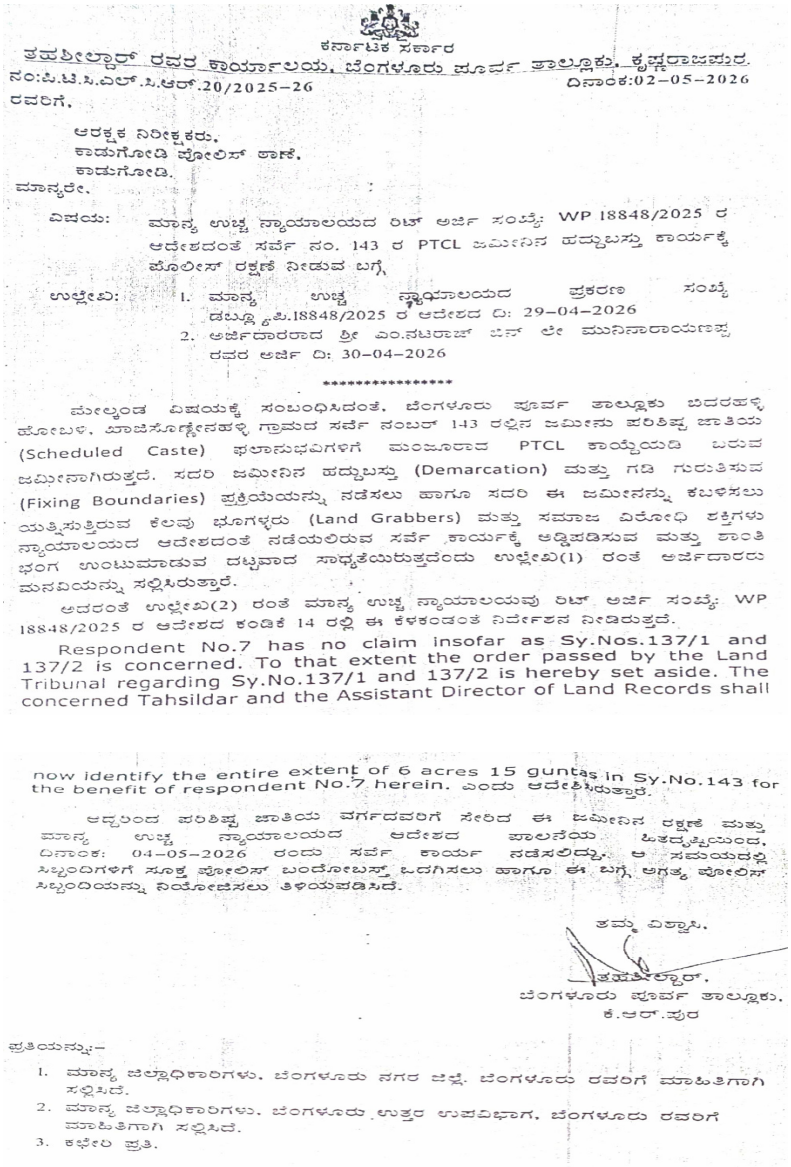
.....

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ. ಮಾನ್ಯ ಘನ ನ್ಯಾಯಾಲಯದ ಆದೇಶದಂತೆ. ಬೆಂಗಳೂರು ಪೂರ್ವ ತಾಲ್ಲೂಕು. ಬಿದಹರಳ್ಳಿ ಹೋಬಳಿ. ಬಾಜಿಸೋಣ್ಣೆಸಪಳ್ಳ ಗ್ರಾಮದ ಸ.ನಂ.143 ರ ಘನ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶದಂತೆ ಅಳತೆ ಮಾಡುವ ಬಗ್ಗೆ ಉಲ್ಲೇಖಿತದಲ್ಲಿಯ ಕೋರಿದ್ದು ಸದರಿ ಕಡತವನ್ನು ಭೂಮಾಪಕರಿಗೆ ಹಂಚಿಕೆ ಮಾಡಲಾಗಿ ಭೂಮಾಪಕರು ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿ. ದಿ:4/5/2026 ರಂದು ಕಂದಾಯ ಅಧಿಕಾರಿಗಳ ಸಮಕ್ಷಮ ಸ್ಥಳ ಪರಿಶೀಲಿಸಿ ನಿಯಮಾನುಸಾರ ಅಳತೆ ಕೆಲಸ ಮುಗಿಸಿ ನಕ್ಷೆ ತಯಾರಿಸಿ ವರದಿ ಸಲ್ಲಿಸಲು ಕೆಳಕಂಡ ಭೂಮಾಪಕರುಗಳಾದ ನಿಮಗೆ ಸೂಚಿಸಿದೆ.

ಶ್ರೀ. ಎಸ್.ಮಂಜುನಾಥ್
ಭೂಮಾಪಕರು

ಭೂದಾಖಲೆಗಳ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು
ಬೆಂಗಳೂರು ಪೂರ್ವ ತಾಲ್ಲೂಕು
ಬೆಂಗಳೂರು

10.1. Pursuant to the afore-quoted communication, intimation is sent by the Tahsildhar to all the concerned stakeholder with regard to the conduct of Hadbast, or fixing of boundaries on 02.05.2026. The communication is as follows:



ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ತಹಶೀಲ್ದಾರ್ ರವರ ಕಾರ್ಯಾಲಯ, ಬೆಂಗಳೂರು ಪೂರ್ವ ತಾಲ್ಲೂಕು, ಕೃಷ್ಣರಾಜಪುರ.

ನಂ:ಪಿ.ಟಿ.ಸಿ.ಎಲ್.ಸಿ.ಆರ್.20/2025-26 ದಿನಾಂಕ:02-05-2026

ರವರಿಗೆ,

ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು,
ಕಾಡುಗೋಡಿ ಪೋಲೀಸ್ ಠಾಣೆ,
ಕಾಡುಗೋಡಿ.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ: WP 18848/2025 ರ ಆದೇಶದಂತೆ ಸರ್ವೆ ನಂ. 143 ರ PTCL ಜಮೀನಿನ ಹದ್ದುಬಸ್ತು ಕಾರ್ಯಕ್ಕೆ ಪೊಲೀಸ್ ರಕ್ಷಣೆ ನೀಡುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1. ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಪ್ರಕರಣ ಸಂಖ್ಯೆ ಡಬ್ಲ್ಯೂ.ಪಿ.18848/2025 ರ ಆದೇಶದ ದಿ: 29-04-2026
2. ಅರ್ಜಿದಾರರಾದ ಶ್ರೀ ಎಂ.ನಟರಾಜ್ ಬಿನ್ ಲೇ ಮುನಿನಾರಾಯಣಪ್ಪ ರವರ ಅರ್ಜಿ ದಿ: 30-04-2026

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ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಬೆಂಗಳೂರು ಪೂರ್ವ ತಾಲ್ಲೂಕು ಬಿದರಹಳ್ಳಿ ಹೋಬಳಿ, ಹಾಜಿಸೊಣ್ಣೇನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂಬರ್ 143 ರಲ್ಲಿನ ಜಮೀನು ಪರಿಶಿಷ್ಟ ಜಾತಿಯ (Scheduled Caste) ಫಲಾನುಭವಿಗಳಿಗೆ ಮಂಜೂರಾದ PTCL ಕಾಯ್ದೆಯಡಿ ಬರುವ ಜಮೀನಾಗಿರುತ್ತದೆ. ಸದರಿ ಜಮೀನಿನ ಹದ್ದುಬಸ್ತು (Demarcation) ಮತ್ತು ಗಡಿ ಗುರುತಿಸುವ (Fixing Boundaries) ಪ್ರಕ್ರಿಯೆಯನ್ನು ನಡೆಸಲು ಹಾಗೂ ಸದರಿ ಈ ಜಮೀನನ್ನು ಕಬಳಿಸಲು ಯತ್ನಿಸುತ್ತಿರುವ ಕೆಲವು ಭೂಗಳ್ಳರು (Land Grabbers) ಮತ್ತು ಸಮಾಜ ವಿರೋಧಿ ಶಕ್ತಿಗಳು ನ್ಯಾಯಾಲಯದ ಆದೇಶದಂತೆ ನಡೆಯಲಿರುವ ಸರ್ವೆ ಕಾರ್ಯಕ್ಕೆ ಅಡ್ಡಿಪಡಿಸುವ ಮತ್ತು ಶಾಂತಿ ಭಂಗ ಉಂಟುಮಾಡುವ ದಟ್ಟವಾದ ಸಾಧ್ಯತೆಯಿರುತ್ತದೆಂದು ಉಲ್ಲೇಖ(1) ರಂತೆ ಅರ್ಜಿದಾರರು ಮನವಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಅದರಂತೆ ಉಲ್ಲೇಖ(2) ರಂತೆ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ: WP 18848/2025 ರ ಆದೇಶದ ಕಂಡಿಕೆ 14 ರಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ನಿರ್ದೇಶನ ನೀಡಿರುತ್ತದೆ.

Respondent No.7 has no claim insofar as Sy.Nos.137/1 and 137/2 is concerned. To that extent the order passed by the Land Tribunal regarding Sy.No.137/1 and 137/2 is hereby set aside. The concerned Tahsildar and the Assistant Director of Land Records shall now identify the entire extent of 6 acres 15 guntas in Sy.No.143 for the benefit of respondent No.7 herein. ಎಂದು ಆದೇಶಿಸಿರುತ್ತಾರೆ.

ಆದ್ದರಿಂದ ಪರಿಶಿಷ್ಟ ಜಾತಿಯ ವರ್ಗದವರಿಗೆ ಸೇರಿದ ಈ ಜಮೀನಿನ ರಕ್ಷಣೆ ಮತ್ತು ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶದ ಪಾಲನೆಯ ಹಿತದೃಷ್ಟಿಯಿಂದ, ದಿನಾಂಕ: 04-05-2026 ರಂದು ಸರ್ವೆ ಕಾರ್ಯ ನಡೆಸಲಿದ್ದು, ಆ ಸಮಯದಲ್ಲಿ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ಸೂಕ್ತ ಪೋಲೀಸ್ ಬಂದೋಬಸ್ತ್ ಒದಗಿಸಲು ಹಾಗೂ ಈ ಬಗ್ಗೆ ಅಗತ್ಯ ಪೋಲೀಸ್ ಸಿಬ್ಬಂದಿಯನ್ನು ನಿಯೋಜಿಸಲು ತಿಳಿಯಪಡಿಸಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ತಹಶೀಲ್ದಾರ್,
ಬೆಂಗಳೂರು ಪೂರ್ವ ತಾಲ್ಲೂಕು,
ಕೆ.ಆರ್.ಪುರ

ಪ್ರತಿಯನ್ನು:-

1. ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು ರವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಿದೆ.
2. ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಬೆಂಗಳೂರು ಉತ್ತರ ಉಪವಿಭಾಗ, ಬೆಂಗಳೂರು ರವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಿದೆ.
3. ಕಛೇರಿ ಪ್ರತಿ.

10.2. This was objected to and therefore, police protection was sought by the petitioners, but was not granted. The petitioners approached this Court seeking police protection in another writ petition in W.P.No.15609/2026. The co-ordinate

Bench, in terms of the order dated 12.05.2026, grants police protection to the petitioners. The order reads as follows:

> **"ORAL ORDER**
>
> Heard learned Senior counsel for the petitioners and learned AGA for the respondents and perused the material on record.
>
> 2. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned counsel for the petitioners invited my attention to the earlier orders passed by this Court as well as the representation submitted not only by the petitioner, but also by the Tahsildar in order to point out that the respondents-Police Authoriteis are not providing police protection in favour of the petitioners in respect of the petition schedule property. In support of his contentions, he placed reliance upon the following order and interim orders passed by this Court:
>
> **In W.P.No.100509/2025**
>
> *" 1. Learned AGA is directed to accept notice for respondents No.1 to 4.*
>
> *2. The petitioner is before this Court seeking for the following reliefs:*
>
> *a. Issue a writ, order or direction, more in the nature of writ of Mandamus or any other appropriate writ, direction, or order directing the Respondents to consider the representations dated 22.12.2024, 10.01.2025, 16.01.2025, 23.01.2025 and 24.01.2025 (Annexure-A-A4) issued by the*
>
> *petitioner to the Respondents No. 2 & 3 to take appropriate actions at such other locations situated at the Project Area until completion of the Project by the Petitioner and;*
>
> *b. To pass any other order or directions as this Hon'ble Court may deem fit in the facts and circumstances of the case, in the interest of justice and equity.*
>
> *3. The grievance of the petitioner is that despite several complaints having been submitted to respondent No.2, no action has been taken by respondent No.2 to provide police protection and/or to stop various*

miscreants from interfering with the implementation of the project by the petitioner.

4. The categorical submission of the petitioner is that no one else apart from the petitioner has any right title or interest over the subject lands and the owner of the land has also not objected to the petitioner in making use of the property.

5. If that be so, when complaints have been filed making serious allegations, the respondent No.2 was required to take the said complaints on record, investigate the matter and proceed therefrom. Not having done so, the complaints from 22.12.2024 have remained unanswered without any action.

6. In that view of the matter, I pass the following;

ORDER

i. The writ petition is allowed.

ii. A mandamus is issued, respondents are directed to act on the complaints filed by the petitioner at Annexure-A- same on record, registering necessary First Information Report and proceeding therefrom.

iii. If the claim of the petitioner is correct, then the respondent-police is directed to provide police protection to implement the project without any disturbance being caused by any third parties.

In W.P.No.13260/2024

"Heard learned Senior Counsel for the petitioner and perused the material on record.

In addition to reiterating the various contentions urged in the memorandum of petition and referring to material on record, learned Senior Counsel for the petitioner invited my attention to the representations at Annexure – A to A5 submitted by the petitioner in order to contend that despite repeated requests made by the petitioner to provide police protection for the purpose of carrying on construction activity of a Solar Power Plant in the subject land, respondent – police authorities are not taking any steps in this regard and as such, petitioner is before this Court by way of this petition.

Learned AGA for the respondents seeks time to obtain necessary instructions.

Re-list on 18.06.2024.

Meanwhile, by way of an interim arrangement and without prejudice to the rights and contentions of the parties, respondents are directed to provide necessary police protection to the petitioner in relation to the subject land as indicated in the photographs produced at Annexure – H series, till the next date of hearing.

Liberty is reserved in favour of the respondents to seek modification / vacation of this order.

Hand delivery of this order is permitted."

In W.P.NO.102206/2023

"Heard the learned Senior counsel Sri. Sandesh J Chouta for petitioner. Reiterating the grounds urged in the petition, the learned counsel would bring to the notice of this Court that some anti-social elements are unnecessarily causing hurdles and obstructing the implementation of project. Referring to the material on record, he would bring to the notice of this Court that on account of disturbance at the site, the petitioner is incurring loss to the tune of Rs.45 lakh per day. The petitioner reasonably apprehends that if it continues, they may not be able to complete the project within stipulated time and they are bound to lose bank guarantee on account of breach. He would further point out that the petitioner is entitled seek protection and sufficient materials are placed on record to demonstrate that this is a fit case where the petitioner is entitled to seek police protection under Section 46 of the Karnataka Police Act.

On examining the materials, this Court would find that the petitioner is implementing the projects which are directly connected with the agency of Ministry of Renewable Energy, Government of India, company which intends to promote wind power generation in India. Therefore, pending consideration of captioned writ petition, I am of the view that the petitioner is entitled for police protection at site till next date of hearing.

Learned HCGP is directed to accept notice for respondents.

Learned HCGP to seek instructions in this regard by the next date of hearing.

List this matter for preliminary hearing on 13.04.2023."

3. Learned AGA seeks time to obtain instructions.

4. List after Summer Vacation, 2026.

5. In the meanwhile, by way of an interim arrangement and without prejudice to the rights and contentions of the parties, respondents-Police Authorities are directed to provide necessary police protection to the petitioners in relation to the petition schedule property as indicated in the photographs at Annexures-F series and also as per the representations/complaints dated 02.05.2026 and 08.05.2026 (Annexures-G and H) earlier orders passed by this Court (supra), till the next date of hearing.

6. Liberty is reserved in favour of respondents to seek vacation / modification of this order.

7. Hand delivery of this order is permitted."

11. It is then, springs the complaint. The complaint reads as follows:

"ರವರಿಗೆ,

ಪೊಲೀಸ್ ಇನ್ಸ್ಪೆಕ್ಟರ್,

ಕಾಡುಗೋಡಿ ಪೊಲೀಸ್ ಠಾಣೆ

ವೈಟ್ ಫೀಲ್ಡ್ ವಿಭಾಗ

ಬೆಂಗಳೂರು ನಗರ.

ಇಂದ,

ದೊಡ್ಡಗಿರಿಯಪ್ಪಾಚಾರಿ ಬಿನ್ ಲೇಟ್ ಗಿರಿಯಪ್ಪಾಚಾರಿ.

ವಯಸ್ಸು 82 ವರ್ಷ,

ವಾಸ ಖಾಜಿಸೊಣ್ಣೆನಹಳ್ಳಿ ಗ್ರಾಮ,

ಕನ್ನಮಂಗಲ ಅಂಚೆ,

ಬೆಂಗಳೂರು ಪೂರ್ವ ತಾಲ್ಲೂಕು,

ಬೆಂಗಳೂರು ಮೊಬೈಲ್ ನಂಬರ್ 9739431465

ಮಾನ್ಯರೇ.

ವಿಷಯ : ಖಾಜಿ ಸೊಣ್ಣೆನಹಳ್ಳಿ ಗ್ರಾಮದ ಲೇಟ್ ಮುನಿನಾರಾಯಣಪ್ಪನವರ ಪತ್ನಿ ಗೌರಮ್ಮ, ಮತ್ತು ಮಕ್ಕಳಾದ ಹರೀಶ್, ನಟರಾಜು ಮತ್ತು ಮಂಜುಳಾ ಹಾಗೂ ಬೊಮ್ಮನಬಂಡೆ ಗ್ರಾಮದ ಬಿ.ಎಂ.ರಮೇಶ್ ಎಂಬುವರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮಕ್ಕಾಗಿ ದೂರು.

*****

ಮೇಲಿನ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ. ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ, ಬಿದರಹಳ್ಳಿ ಹೋಬಳಿ, ಖಾಜಿ ಸೊಳ್ಳೇನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.143 ರಲ್ಲಿನ I ಎಕರೆ 36 ಗುಂಟೆ ಜಮೀನನ್ನು ದಿನಾಂಕ:21-04-2006 ರಂದು ಕೆ.ಆರ್.ಪುರಂ ಉಪನೋಂದಣಾಧಿಕಾರಿ ಕಛೇರಿಯಲ್ಲಿ ನೋಂದಾಯಿಸಿರುವ ಶುದ್ಧಕ್ರಯಪತ್ರದ ಮೂಲಕ ಖರೀದಿಸಿ ಜಮೀನಿನ ಆರ್.ಟಿ.ಸಿ ಮತ್ತು ಮ್ಯೂಟೇಷನ್‌ಗಳನ್ನು ನನ್ನ ಹೆಸರಿಗೆ ವರ್ಗಾಯಿಸಿಕೊಂಡು ಜಮೀನಿನ ಸುತ್ತಲೂ ದಕ್ಷಿಣ ಮತ್ತು ಪಶ್ಚಿಮಾಭಿಮುಖವಾಗಿ ಕಲ್ಲು ಕಟ್ಟಡದ ಕಾಂಪೌಂಡ್ ಮತ್ತು ಪೂರ್ವ ಮತ್ತು ಉತ್ತರಾಭಿಮುಖವಾಗಿ 12 ಅಡಿ ಎತ್ತರವುಳ್ಳ ಕಲ್ಲು ಚಪ್ಪಡಿಗಳ ಕಾಂಪೌಂಡ್ ಗೋಡೆಯನ್ನು ನಿರ್ಮಿಸಿಕೊಂಡು ಸ್ವಾಧೀನಾನುಭವದಲ್ಲಿರುತ್ತೇನೆ.

ಈ ಜಮೀನಿನ ಮಾಲೀಕತ್ವದ ವಿಚಾರವಾಗಿ ಖಾಜಿ ಸೊಣ್ಣೆನಹಳ್ಳಿ ಗ್ರಾಮದ ಹರೀಶ್ ಬಿನ್ ಮುನಿನಾರಾಯಣಪ್ಪ ಮತ್ತು ಬೊಮ್ಮನಬಂಡೆ ಗ್ರಾಮದ ಬಿ.ಎಂ.ರಮೇಶ್ ಬಿನ್ ಲೇಟ್ ಮುನಿಶಾಮಪ್ಪ ಎಂಬುವರ ವಿರುದ್ಧ ನಾನು ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ರಿಟ್ ಅಪೀಲ್ ನಂ.1657/2025ರಲ್ಲಿ ದಾವೆ ಹೂಡಿದ್ದು, ಸದರಿ ದಾವೆಯಲ್ಲಿ ನ್ಯಾಯಾಲಯವು ನಮ್ಮಿಬ್ಬರಿಗೂ ಜಮೀನಿನ ಭೌತಿಕ ಸ್ಥಿತಿಯನ್ನು ಬದಲಾಯಿಸದಂತೆ, ನನ್ನ ಸ್ವಾಧೀನಕ್ಕೆ ಅಡ್ಡಿಪಡಿಸದಂತೆ ಯಥಾಸ್ಥಿತಿಯನ್ನು ಕಾಪಾಡುವಂತೆ ದಿನಾಂಕ:03-10-2025 ರಂದು ಆದೇಶ ನೀಡಿದ್ದು ಅದರಂತೆ ನಾನು ಜಮೀನಿನ ಸ್ವಾಧೀನಾನುಭವದಲ್ಲಿ ಮುಂದುವರೆದಿರುತ್ತೇನೆ.

ಹೀಗಿರುವಾಗ್ಗೆ ದಿನಾಂಕ:07-05-2026 ರಂದು ಬೆಳಿಗ್ಗೆ ಸುಮಾರು 6-00 ಗಂಟೆಯಲ್ಲಿ ಮೇಲ್ಕಂಡ ನನ್ನ ಜಮೀನಿಗೆ ಯಾರೋ 10-20 ಜನ 2 ಜೆ.ಸಿ.ಬಿ ತೆಗೆದುಕೊಂಡು ಬಂದು ಜಮೀನಿನ ಸುತ್ತಲೂ ಹಾಕಿದ್ದ ಕಾಂಪೌಂಡ್ ಗೋಡೆಯನ್ನು ಕೆಡವಿ ಹಾಕುತ್ತಿದ್ದಾರೆಂದು ನನ್ನ ಪರಿಚಯಸ್ಥರ ಮುಖಾಂತರ ನನಗೆ ತಿಳಿದು ಬಂದ ಮೇರೆಗೆ ನಾನು ಬೆಳಿಗ್ಗೆ ಸುಮಾರು 11-00 ಗಂಟೆಗೆ ನನ್ನ ಜಮೀನಿನ ಹತ್ತಿರ ಹೋಗಿ ನೋಡಲಾಗಿ ಬೊಮ್ಮನಬಂಡೆ ಗ್ರಾಮದ ಜಿ.ಎಂ.ರಮೇಶ್ ಮತ್ತು ಖಾಜಿ ಸೊಣ್ಣೆನಹಳ್ಳಿ ಗ್ರಾಮದ ಮುನಿನಾರಾಯಣಪ್ಪನವರ ಪತ್ನಿ ಗೌರಮ್ಮ, ಮಕ್ಕಳಾದ ಹರೀಶ್, ನಟರಾಜು ಮತ್ತು ಮಂಜುಳಾರವರು ಸುಮಾರು 15 ಜನ

ಅಪರಿಚಿತ ವ್ಯಕ್ತಿಗಳೊಂದಿಗೆ ಮೇಲ್ಕಂಡ ಜಮೀನಿಗೆಎರಡು ಜೆಸಿಬಿಗಳೊಂದಿಗೆ ಬಂದು ಜಮೀನಿನ ಮುಖ್ಯದ್ವಾರಕ್ಕೆ ಅಳವಡಿಸಿದ ಕಬ್ಬಿಣದ ಗೇಟನ್ನು ಮುರಿದು ಅತಿಕ್ರಮವಾಗಿ ಒಳ ಪ್ರವೇಶಿಸಿ ಜಮೀನಿನ ಪೂರ್ವ ಮತ್ತು ಉತ್ತರ ಅಭಿಮುಖವಾಗಿ ಹಾಕಿದ್ದ 12 ಅಡಿ ಎತ್ತರವುಳ್ಳ ಕಲ್ಲು ಚಪ್ಪಡಿಗಳ ಕಾಂಪೌಂಡ್ ಗೋಡೆಯನ್ನು ನೆಲಸಮಗೊಳಿಸಿ ಜೆ.ಸಿ.ಬಿ ಯಿಂದ ಸಮತಟ್ಟು ಮಾಡುತ್ತಿದ್ದು, ಈ ಬಗ್ಗೆ ಕೇಳಲು ಹೋದ ನನ್ನನ್ನು ಬೊಮ್ಮನಬಂಡೆ ಗ್ರಾಮದ ಬಿಎಮ್ ರವೇಶ್ ರವರು ಮತ್ತು ಲೇಟ್ ಮುನಿನಾರಾಯಣಪ್ಪನವರ ಪತ್ನಿ ಗೌರಮ್ಮ, ಮಕ್ಕಳಾದ ಹರೀಶ್, ನಟರಾಜು ಮತ್ತು ಮಂಜುಳಾರವರು ತಡೆದು ನಿಲ್ಲಿಸಿದ್ದಲ್ಲದೇ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದು ನೀನು ಇಲ್ಲಿಂದ ಜಾಗ ಖಾಲಿ ಮಾಡದೇ ಇದ್ದಲ್ಲಿ ನಿನ್ನನ್ನು ಜೆ.ಸಿ.ಬಿ ಕೆಳಗೆ ಹಾಕಿ ಹೂತು ಹಾಕುವುದಾಗಿ ಪ್ರಾಣಬೆದರಿಕೆ ಹಾಕಿರುತ್ತಾರೆ.

ಆದ್ದರಿಂದ. ಮಾನ್ಯ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಿಂದ ರಿಟ್ ಅಪೀಲ್ ನಂ.1657/2025 ರಲ್ಲಿ ಯಥಾಸ್ಥಿತಿಯನ್ನು ಕಾಪಾಡುವಂತೆ ಆದೇಶವಿದ್ದರೂ ಸಹ ನ್ಯಾಯಾಲಯದ ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸಿ ನನ್ನ ಜಮೀನಿಗೆ ಹಾಕಿದ್ದ ಕಬ್ಬಿಣದ ಗೇಟನ್ನು ಮುರಿದು ಅತಿಕ್ರಮವಾಗಿ ಒಳಪ್ರವೇಶಿಸಿ ಜಮೀನಿನ ಸುತ್ತಲೂ ಹಾಕಿದ್ದ ಕಲ್ಲು ಚಪ್ಪಡಿಗಳ ಕಾಂಪೌಂಡ್ ಗೋಡೆಯನ್ನು ನಾಶಗೊಳಿಸಿ ನಷ್ಟವನ್ನುಂಟು ಮಾಡಿರುವ ಹಾಗೂ ನನ್ನನ್ನು ತಡೆದು ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದು ಪ್ರಾಣಬೆದರಿಕೆ ಹಾಕಿರುವ ಬೊಮ್ಮನಬಂಡೆ ಗ್ರಾಮದ ಬಿ.ಎಂ.ರಮೇಶ್ ಮತ್ತು ಲೇಟ್ ಮುನಿನಾರಾಯಣಪ್ಪನವರ ಪತ್ನಿ ಗೌರಮ್ಮ, ಮಕ್ಕಳಾದ ಹರೀಶ್, ನಟರಾಜು ಮತ್ತು ಮಂಜುಳಾರವರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿ ಕೋರುತ್ತೇನೆ.

ದಿನಾಂಕ:11-05-2026
ಬೆಂಗಳೂರು ನಗರ. ತಮ್ಮ ವಿಶ್ವಾಸಿ"

The allegations against the petitioners are for the offences under Sections 329(3), 351(2), 351(3), 352 and 190 of the BNS, which were Sections 447, 504, 506, 547 and 149 of the IPC, the earlier regime. The said provisions read as follows:

"**447. Punishment for criminal trespass**.— Whoever commits criminal trespass shall be punished with

imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

504. Intentional insult with intent to provoke breach of the peace.—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

....

506. Punishment for criminal intimidation.—Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

if threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or [496][imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

12. As observed hereinabove, the dispute between the petitioners and respondent No.2 is not of today. It has been pending for ages. Orders have been passed in the writ petitions, and the writ appeal is yet pending. There are orders and counter-orders passed by the authorities and by this Court, and therefore the person who is in possession is yet to be ascertained. The possession itself is not clear. In those circumstances, and during

the pendency of those proceedings, the impugned crime comes to be registered for criminal trespass. If the possession itself is clouded, or the petitioners are in possession of the property in terms of the survey that is said to have been conducted pursuant to the order passed by the learned single Judge in W.P.No.18848/2025, it can hardly be said that the petitioners have trespassed into the property, which is said to belong to them. Therefore, the offence under Section 329(3) of the BNS is loosely laid against the petitioners.

13. Insofar as other offences are concerned - Sections 351(2), 351(2) and 352 of the BNS are concerned, it is apposite to refer to the judgments of the Apex Court in several cases. The Apex Court in the case of **MOHD. WAJID v. STATE OF UTTAR PRADESH**,[1] has held as follows:

> "…. …. ….
>
> **28. An offence under Section 503 has the following essentials:**
>
> **(1) Threatening a person with any injury;**
>
> **(*i*) to his person, reputation or property; or**
> **(*ii*) to the person, or reputation of any one in whom that person is interested.**
>
> **(2) The threat must be with intent;**

[1] **2023 SCC OnLine SC 951**

(*i*) to cause alarm to that person; or
(*ii*) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or
(*iii*) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat.

29. Section 504 IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the section merely because the insulted person did not actually break the peace or commit any offence having exercised self-control or having been subjected to abject terror by the offender.

30. In judging whether particular abusive language is attracted by Section 504 IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.

31. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504 IPC if it does not

have the necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504 IPC if he merely uses abusive language against the complainant. In *King Emperor* v. *Chunnibhai Dayabhai* [*King Emperor* v. *Chunnibhai Dayabhai*, (1902) 4 Bom LR 78] , a Division Bench of the Bombay High Court pointed out that:

> ***"To constitute an offence under Section 504 IPC it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public peace can be broken by angry words as well as deeds."***
>
> (emphasis supplied)

32. A bare perusal of Section 506 IPC makes it clear that a part of it relates to criminal intimidation. Before an offence of criminal intimidation is made out, it must be established that the accused had an intention to cause alarm to the complainant.

33. In the facts and circumstances of the case and more particularly, considering the nature of the allegations levelled in the FIR, a prima facie case to constitute the offence punishable under Section 506 IPC may probably could be said to have been disclosed but not under Section 504 IPC. The allegations with respect to the offence punishable under Section 504 IPC can also be looked at from a different perspective. In the FIR, all that the first informant has stated is that abusive language was used by the accused persons. What exactly was uttered in the form of abuses is not stated in the FIR.

34. One of the essential elements, as discussed above, constituting an offence under Section 504 IPC is that there should have been an act or conduct amounting to intentional insult. Where that act is the use of the abusive words, it is necessary to know what

those words were in order to decide whether the use of those words amounted to intentional insult. In the absence of these words, it is not possible to decide whether the ingredient of intentional insult is present."

13.1. Again, the Apex Court in the case of **MAHMOOD ALI v. STATE OF UTTAR PRADESH**[2], has held as follows:

"…. …. ….

11. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.

12. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.

13. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case

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[2] 2023 SCC OnLine SC 950

over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

14. *State of A.P.* v. *Golconda Linga Swamy* [*State of A.P.* v. *Golconda Linga Swamy*, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held : (*Golconda Linga Swamy case* [*State of A.P.* v. *Golconda Linga Swamy*, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , SCC p. 527, paras 5-7)

> "*5*. … Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. ***When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto*.**

> ***6*. In *R.P. Kapur* v. *State of Punjab* [*R.P. Kapur* v. *State of Punjab*, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] , this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (SCC OnLine SC para 6)**
>
> **(*i*) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;**
>
> **(*ii*) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;**
>
> **(*iii*) *where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge*.**
>
> ***7*. *In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained.*** *That is the function of the trial Judge*. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death."
>
> (emphasis supplied)

15. In the result, this appeal succeeds and is hereby allowed. The impugned order [*Mahmood Ali* v. *State of U.P.*,

> 2022 SCC OnLine All 2568] passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 4-6-2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."

The Apex Court holds that for offences under Sections 351(2) and 352 of the BNS, which were Sections 504 and 506 of the IPC, the earlier regime, the ingredients as obtaining under Section 351(1) of the BNS, which was Section 503 of the IPC must be present. It is ostensibly absent in the case at hand when it is looked into the complaint or the backdrop of the registration of the complaint. The Apex Court also holds that this Court should look into the backdrop of the registration of the complaint, the antecedents or the circumstances to register the complaint. It also holds that while examination of the complaint, the genuineness of the allegations or it is registered for wreck vengeance or whether the matter is purely civil in nature has to be determined.

14. If what is observed hereinabove is considered on the bedrock of the law elucidated by the Apex Court, *qua* the facts obtaining in the case at hand, it becomes unmistakably clear that the impugned crime is registered against the petitioners to get

over the afore-quoted proceedings pending between the parties**.** Therefore, permitting further proceedings would run foul of the judgment of the Apex Court rendered in the case of **STATE OF HARYANA v. BHAJAN LAL**[3], wherein it is held as follows:

"…. …. ….

> **102.** In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.
>
> (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
>
> (2) Where the allegations in the first information report and other materials, if

[3] **1992 Supp (1) SCC 335**

any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide

> **and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."**

(Emphasis supplied at each instance)

In the light of the afore-quoted judgments and the facts obtaining in the case at hand, it is clear that the offences are not made out against the petitioners and the unmistakably inference would be that permitting of investigation will become an abuse of the process of the law. The petition deserves to succeed.

15. For the aforesaid reasons, the following:

ORDER

a. The criminal petition is allowed.
b. The impugned crime in Crime No.209/2026 pending before the Additional Chief Judicial Magistrate, Bengaluru Rural District stands quashed.
c. It is made clear that the observations made in the course of the order is only for the purpose of considering the petition under Section 528 of the BNSS and shall not

influence or bind any proceedings pending before any other *fora*.

Sd/-
(M.NAGAPRASANNA)
JUDGE

NVJ