HC-KAR

NC: 2026:KHC:59802
WP No. 19812 of 2021

CNR: KAHC010403502021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 19812 OF 2021 (SC/ST)

BETWEEN:

SRI. C.SHANKARAPPA
S/O. CHANNAPPA
AGED ABOUT 59 YEARS
RESIDENT OF RAMASANDRA VILLAGE
UTTURU HOBI,
KOLAR TALUK AND DISTRICT - 562105.

...PETITIONER

(BY SRI. G.M.SRINIVASAREDDY, ADVOCATE)

AND:

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

2. THE DEPUTY COMMISSIONER
KOLAR DISTRICT
KOLAR-562103.

3. SRI. M.MANJUNATHA
S/O LATE C.MUNIYAPPA
AGED ABOUT 38 YEARS

4. SRI. M.ASHWATHA KUMAR
S/O LATE C.MUNIYAPPA
AGED ABOUT 36 YEARS

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

5. SMT. M.MANJAPPA
D/O LATE C.MUNIYAPPA
AGED ABOUT 34 YEARS

RESPONDENTS NO.3 TO 5 ARE
R/AT BANAHALLI VILLAGE
AVANI HOBLI,
MULABAGILU TALUK
KOLAR DISTRICT - 563127.

6. SRI. P.VENKATESHAPPA
S/O LATE VENKATARAMAIAH
SINCE DEAD REPRESENTED BY LRS

6(A) SMT. LAKSHMAMMA,
W/O. LATE VENKATESHAPPA,
AGED ABOUT 60 YEARS,

6(B) SMT. PREMA V.,
D/O. LATE VENKATESHAPPA,
AGED ABOUT 35 YEARS,

6(C) SMT. NETHRAVATHI V.,
D/O. LATE VENKATESHAPPA,
AGED ABOUT 30 YEARS

RESPONDENTS NO.6(A) TO 6(C) ARE
R/AT KURUBARAHALLI,
KOTHAMANGALA POST,
AVANI TLAUK, MULABAGILU TALUK,
KOLAR DISTRICT - 563127.

(AMENDED CAUSE TITLE AS PER
COURT ORDER DATED 19.02.2025)

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SMT. SUMA Y., ADVOCATE FOR
SRI. BADARINARAYANA M.S., ADVOCATE FOR R3 TO R5;
R6(A TO C) ARE SERVED AND UNREPRESENTED)

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

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

ORAL ORDER

Sri.G.M.Srinivasa Reddy, counsel for the petitioner, Smt.Savithramma, Additional Government Advocate for respondent Nos.1 and 2 and Smt.Suma Y., counsel on behalf of Sri.Badarinarayana M.S., for respondent Nos.3 to 5 appeared in person.

In PTCL writ petitions, the orders passed by the Assistant Commissioner and the Deputy Commissioner are ordinarily called into question. This Court has frequently noticed discrepancies in the names of the original grantees and the dates of grant and alienation recorded in the impugned orders. Hence, for the sake of convenience, this Court refers to the parties as the “original grantee” and the

relevant years of grant and alienation, instead of reproducing the names and dates.

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

3. Counsel for the respective parties advanced several contentions.

Additional Government Advocate submits that appropriate order may be passed.

Counsel for respondent Nos.3 to 5 justified the order of the Deputy Commissioner. She argued that at the time of first sale itself there was violation of the provisions of PTCL Act. It is also vehemently contended that there were minors in the family of the grantee. However, they were not party to the sale deed. Urging additional grounds, she submits that the petition lacks merits and it may be dismissed.

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

5. This issue is limited to resumption proceedings. The land in question was granted in 1976 to one Sri.C.Muniyappa. He along with his son sold the property to Sri.P.Venkateshappa in 2006 who in turn sold the property to the petitioner Sri.C.Shankarappa in 2007. Strangely, Sri.Manjunath being one of the signatories to the sale deed filed application for resumption of the land along with others in 2013 after a lapse of 7 years. The Assistant Commissioner rightly rejected the claim. However, the Deputy Commissioner without considering the relevant aspects in the matter erroneously set aside the matter.

In view of the law laid down by the Hon'ble Apex Court, when a party is signatory to the registered sale deed, he cannot contend that the sale is not binding on him and seek resumption of the land.

6. Undoubtedly, the PTCL Act was enacted to protect members of Scheduled Castes and Scheduled Tribes from exploitation by prohibiting alienation of granted lands without prior permission. The remedy of resumption is available to protect the grantee against unauthorized transfers. However, when the grantee or his heirs voluntarily execute a registered sale deed, they cannot later invoke the Act to nullify their own transaction. Thus, the right to challenge it is limited. The Act's protective umbrella is intended to shield the grantee from exploitation by others, not to allow the grantee to repudiate his own act. Courts therefore apply estoppel against the grantee. The failure to consider these material aspects renders the impugned order directing resumption of the land invalid.

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

8. For the foregoing reasons, the order of the Deputy Commissioner is liable to be set aside.

9. The writ of certiorari is ordered. The order dated 14.09.2021 passed by the Deputy Commissioner vide Annexure-D is quashed. As this Court has quashed the order, the authority concerned is hereby directed to mutate / restore the petitioner's name in the subject land in the revenue records.

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

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

Sd/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.: 26