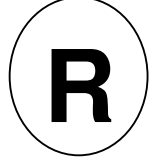


**WA No. 218 of 2025  
C/W WA No. 223 of 2025  
WA No. 225 of 2025  
WA No. 1343 of 2025**

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE DAY OF 05<sup>TH</sup> JUNE, 2026**



**PRESENT**

**THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR. JUSTICE C.M. POONACHA**

**WRIT APPEAL NO. 218 OF 2025 (SC-ST)**

**C/W**

**WRIT APPEAL NO. 223 OF 2025 (SC-ST)**

**WRIT APPEAL NO. 225 OF 2025 (SC-ST)**

**WRIT APPEAL NO. 1343 OF 2025 (SC-ST)**

**IN W.A. No. 218/2025**

**BETWEEN:**

1. MR. H.R. SURESH  
S/O LATE H.K. RAMAIAH  
AGED ABOUT 67 YEARS  
RESIDING AT "AYKA"  
(FORMERLY KNOWN AS SHRESTA)  
NO. 1, JAKKUR MAIN ROAD  
JAKKUR POST  
BENGALURU - 560 064

...APPELLANT

(BY SRI JAYAKUMAR S. PATIL, SENIOR ADVOCATE A/W  
SRI SANJAY KRISHNA V., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REP. BY ITS SECRETARY  
DEPARTMENT OF REVENUE  
MULTISTORIED BUILDING



**WA No. 218 of 2025**  
**C/W WA No. 223 of 2025**  
**WA No. 225 of 2025**  
**WA No. 1343 of 2025**

DR. AMBEDKAR ROAD  
BENGALURU - 560 001

2. DEPUTY COMMISSIONER  
OFFICE OF THE DEPUTY COMMISSIONER  
BANGALORE URBAN DISTRICT  
KEMPEGOWDA ROAD  
BENGALURU - 560 009
  3. ASSISTANT COMMISSIONER  
BANGALORE NORTH DIVISION  
KEMPEGOWDA ROAD  
BENGALURU - 560 009
  4. TAHSILDAR  
BANGALORE NORTH (ADDITIONAL) TALUK  
TALUK OFFICE  
YELAHANKA  
BANGALURU - 560 064
  5. MR. A.J. JAMES  
S/O A.C. JOSEPH  
AGED ABOUT 62 YEARS
  6. MRS. ANCY JAMES  
W/O A.J. JAMES  
AGED ABOUT 55 YEARS
- BOTH ARE RESIDING AT:  
NO. 576, 4<sup>TH</sup> CROSS  
HMT LAYOUT, R.T. NAGAR  
BENGALURU - 560 032
7. SMT. SUSHEELAMMA  
W/O LATE B.M. GOVINDRARAJU  
AGED ABOUT 62 YEARS

8. SRI. BHASKAR  
S/O LATE B.M. GOVINDARAJU  
AGED ABOUT 34 YEARS
9. SRI SHASHIDHAR (A.K.A.B.G.KUMAR  
S/O LATE B.M. GOVINDARAJU  
AGED ABOUT 33 YEARS
10. SMT. GOWRAMMA  
D/O LATE KORAMARA VENKATAMMA  
W/O D.N. LAKSHMAIAH  
AGED ABOUT 76 YEARS  
RESIDING AT: NO. 127, 2<sup>ND</sup> FLOOR  
KEMPANNA BUILDING  
NEAR YALLAMMA TEMPLE  
SINGANAYAKANAHALLI POST  
YELAHANKA  
BENGALURU - 560 064
11. KUM. ASHWINI  
D/O LATE NARAYANAMMA &  
HANUMANTHAPPA AND  
GRANDDAUGHTER OF  
SMT. BYLAMMA & LATE RAMAMURTHY  
AGED ABOUT 27 YEARS
12. KUM. MANJI  
D/O LATE NARAYANAMMA  
AND HANUMANTHAPPA  
GRANDDAUGHTER OF  
SMT. BYLAMMA AND  
LATE RAMAMURTHY  
AGED ABOUT 25 YEARS
13. SMT. NANJAMMA  
D/O LATE RAMAMURTHY & BYLAMMA  
AGED ABOUT 47 YEARS

**WA No. 218 of 2025**  
**C/W WA No. 223 of 2025**  
**WA No. 225 of 2025**  
**WA No. 1343 of 2025**

14. SMT. MEENA  
D/O LATE RAMAMURTHY & BYLAMMA  
AGED ABOUT 45 YEARS

15. SMT. SARITA  
D/O LATE RAMAMURTHY & BYLAMMA  
AGED ABOUT 44 YEARS

NOS. 11 TO 15 ARE RESIDING AT:  
KAKOLU VILLAGE, HESARAGHATTA HOBLI  
BENGALURU NORTH TALUK  
BENGALURU URBAN DISTRICT

16. SRI B.M. NARAYANASWAMY  
S/O SRI B.H. MUNIYAPPA  
AGED ABOUT 64 YEARS

17. SMT. M.N. KUSUMA  
D/O SRI B.M. NARAYANASWAMY  
AGED ABOUT 34 YEARS

18. SRI B.N. MOHAN KUMAR  
S/O SRI B.M. NARAYANASWAMY  
AGED ABOUT 31 YEARS

NOS. 16 TO 18 ARE RESIDING AT:  
BETTAHALASURU VILLAGE  
JALA HOBLI, YELAHANKA NORTH (ADDL.) TALUK  
BENGALURU URBAN DISTRICT

...RESPONDENTS

(BY SMT. NAMITHA MAHESH, AGA FOR R-1 TO 4,  
SRI A.J. JAMES, R-5 - PARTY-IN-PERSON,  
SMT. ANCY JAMES, R-6 - PARTY-IN-PERSON,  
MS. FEBA NISHA, ADVOCATE FOR R-7 TO 9,  
SRI S.T. JUNJAPPA, ADVOCATE FOR R-10 TO 15 &  
SRI ESWARA, ADVOCATE FOR R-16 TO 18)

**WA No. 218 of 2025  
C/W WA No. 223 of 2025  
WA No. 225 of 2025  
WA No. 1343 of 2025**

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE ABOVE APPEAL AND SET ASIDE THE COMMON ORDER DATED 24.01.2025 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P. No.13192/2023 CONSEQUENTLY, SET ASIDE THE COMMON ORDER PASSED BY THE 2<sup>ND</sup> RESPONDENT BY ORDER DATED 22.05.2023 IN PTCL 53/2022, PTCL 54/2022 AND PTCL 61/2022 AND FURTHER SET ASIDE THE ORDER DATED 27.02.2025 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P. NO. 13192/2023 AND ETC.

**IN W.A. NO. 223/2025**

**BETWEEN:**

1. MR. H.R. SURESH  
S/O LATE H.K. RAMAIAH  
AGED ABOUT 67 YEARS  
RESIDING AT "AYKA"  
(FORMERLY KNOWN AS SHRESTA)  
NO. 1, JAKKUR MAIN ROAD  
JAKKUR POST  
BERIGALURU - 560 064

...APPELLANT

(BY SRI JAYAKUMAR S. PATIL, SENIOR ADVOCATE A/W  
SRI SANJAY KRISHNA V., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REP. BY ITS SECRETARY  
DEPARTMENT OF REVENUE  
MULTISTORIED BUILDING

**WA No. 218 of 2025**  
**C/W WA No. 223 of 2025**  
**WA No. 225 of 2025**  
**WA No. 1343 of 2025**

DR. AMBEDKAR ROAD  
BENGALURU - 560 001

2. DEPUTY COMMISSIONER  
OFFICE OF THE DEPUTY COMMISSIONER  
BANGALORE URBAN DISTRICT  
KEMPEGOWDA ROAD  
BENGALURU - 560 009
  3. ASSISTANT COMMISSIONER  
BANGALORE NORTH DIVISION  
KEMPEGOWDA ROAD  
BENGALURU -560 009
  4. TAHSILDAR  
BANGALORE NORTH (ADDITIONAL) TALUK  
TALUK OFFICE, YELAHANKA  
BANGALURU - 560 064
  5. MR. A.J. JAMES  
S/O A.C. JOSEPH  
AGED ABOUT 62 YEARS
  6. MRS. ANCY JAMES  
W/O A.J. JAMES  
AGED ABOUT 55 YEARS
- BOTH ARE RESIDING AT:  
NO. 576, 4<sup>TH</sup> CROSS, HMT LAYOUT  
R.T. NAGAR  
BENGALURU - 560 032
7. SMT. SUSHEELAMMA  
W/O LATE B.M. GOVINDRARAJU  
AGED ABOUT 62 YEARS
  8. SRI. BHASKAR

S/O LATE B.M. GOVINDARAJU  
AGED ABOUT 34 YEARS

9. SRI SHASHIDHAR (A.K.A.B.G KUMAR)  
S/O LATE B.M. GOVINDARAJU  
AGED ABOUT 33 YEARS

10. SRI B.M. NARAYANASWAMY  
S/O SRI B.H. MUNIYAPPA  
AGED ABOUT 64 YEARS

11. SMT. M.N. KUSUMA  
D/O SRI B.M. NARAYANASWAMY  
AGED ABOUT 34 YEARS

12. SRI B.N. MOHAN KUMAR  
S/O. SRI B.M. NARAYANASWAMY  
AGED ABOUT 31 YEARS

NOS. 7 TO 12 ARE RESIDING AT:  
BETTAHALASURU VILLAGE  
JALA HOBLI  
YELAHANKA NORTH ( ADDL.) TALUK  
BENGALURU URBAN DISTRICT

13. SMT. GOWRAMMA  
D/O LATE KORAMARA VENKATAMMA  
W/O D.N. LAKSHMAIAH  
AGED ABOUT 76 YEARS  
RESIDING AT: NO.127, 2<sup>ND</sup> FLOOR  
KEMPANNA BUILDING  
NEAR YALLAMMA TEMPLE  
SINGANAYAKANAHALLI POST  
YELAHANKA, BENGALURU - 560 064

14. KUM. ASHWINI  
D/O LATE NARAYANAMMA &

**WA No. 218 of 2025**  
**C/W WA No. 223 of 2025**  
**WA No. 225 of 2025**  
**WA No. 1343 of 2025**

HANUMANTHAPPA AND GRANDDAUGHTER OF  
SMT. BYLAMMA & LATE RAMAMURTHY  
AGED ABOUT 27 YEARS

15. KUM. MANJI  
D/O LATE NARAYANAMMA &  
HANUMANTHAPPA AND GRANDDAUGHTER OF  
SMT. BYLAMMA & LATE RAMAMURTHY  
AGED ABOUT 25 YEARS
16. SMT. NANJAMMA  
D/O LATE RAMAMURTHY & BYLAMMA  
AGED ABOUT 47 YEARS
17. SMT. MEENA  
D/O LATE RAMAMURTHY & BYLAMMA  
AGED ABOUT 45 YEARS
18. SMT. SARITA  
D/O LATE RAMAMURTHY AND BYLAMMA  
AGED ABOUT 44 YEARS

NOS.14 TO 18 RESIDING AT:  
KAKOLU VILLAGE, HESARAGHATTA HOBLI  
BENGALURU NORTH TALUK  
BENGALURU URBAN DISTRICT

...RESPONDENTS

(BY SRI K.S.HARISH, GOVERNMENT ADVOCATE FOR R-1 TO 4,  
SRI A.J. JAMES, R-5 - PARTY-IN-PERSON,  
SMT. ANCY JAMES, R-6 - PARTY-IN-PERSON,  
MS. FEBA NISHA, ADVOCATE FOR R-7 TO 9,  
SRI ESWARA, ADVOCATE FOR R-10 TO 12 &  
SRI S.T. JUNJAPPA, ADVOCATE FOR R-13 TO 18)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE  
KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE  
APPEAL AND SET ASIDE THE COMMON ORDER DATED  
24.01.2025 PASSED BY THE LEARNED SINGLE JUDGE OF THE

**WA No. 218 of 2025  
C/W WA No. 223 of 2025  
WA No. 225 of 2025  
WA No. 1343 of 2025**

HON'BLE COURT IN W.P No. 13200/2023, CONSEQUENTLY SET ASIDE THE COMMON ORDER PASSED BY THE 2<sup>ND</sup> RESPONDENT VIDE ORDER DATED 22.05.2023 IN PTCL 53/2022, PTCL 54/2022 AND PTCL 61/2022 AND FURTHER SET ASIDE THE ORDER DATED 27.02.2025 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P. No. 13200/2023 AND ETC.

**IN W.A. NO. 225/2025**

**BETWEEN:**

1. MR. H.R. SURESH  
S/O LATE H.K. RAMAIAH  
AGED ABOUT 67 YEARS  
RESIDING AT "AYKA"  
(FORMERLY KNOWN AS SHRESTA)  
NO.1, JAKKUR MAIN ROAD  
JAKKUR POST  
BENGALURU - 560 064

...APPELLANT

(BY SRI JAYAKUMAR S. PATIL, SENIOR ADVOCATE A/W  
SRI SANJAY KRISHNA V., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REP. BY ITS SECRETARY  
DEPARTMENT OF REVENUE  
MULTISTORIED BUILDING  
DR. AMBEDKAR ROAD  
BENGALURU - 560 001
2. DEPUTY COMMISSIONER  
OFFICE OF THE DEPUTY COMMISSIONER  
BANGALORE URBAN DISTRICT  
KEMPEGOWDA ROAD  
BENGALURU - 560 009

3. ASSISTANT COMMISSIONER  
BANGALORE NORTH DIVISION  
KEMPEGOWDA ROAD  
BENGALURU - 560 009
  4. TAHSILDAR  
BANGALORE NORTH (ADDITIONAL) TALUK  
TALUK OFFICE, YELAHANKA  
BANGALURU - 560 064
  5. MR. A.J. JAMES  
S/O A.C. JOSEPH  
AGED ABOUT 62 YEARS
  6. MRS. ANCY JAMES  
W/O. A. J. JAMES,  
AGED ABOUT 55 YEARS
- BOTH ARE RESIDING AT:  
NO. 576, 4<sup>TH</sup> CROSS  
HMT LAYOUT, R.T. NAGAR  
BENGALURU - 560 032
7. SMT. SUSHEELAMMA  
W/O LATE B.M. GOVINDRARAJU  
AGED ABOUT 62 YEARS
  8. SRI BHASKAR  
S/O LATE B.M. GOVINDARAJU  
AGED ABOUT 34 YEARS
  9. SRI SHASHIDHAR (A.K.A.B.G. KUMAR)  
S/O LATE B.M. GOVINDRARAJU  
AGED ABOUT 33 YEARS
  10. SRI B.M. NARAYANASWAMY  
S/O. SRI B.H. MUNIYAPPA

AGED ABOUT 64 YEARS

11. SMT. M. N. KUSUMA  
D/O. SRI B.M. NARAYANASWAMY  
AGED ABOUT 34 YEARS

12. SRI B.N. MOHAN KUMAR  
S/O. SRI B.M. NARAYANASWAMY  
AGED ABOUT 31 YEARS

NOS.7 TO 12 ARE RESIDING AT:  
BETTAHALASURU VILLAGE  
JALA HOBLI  
YELAHANKA NORTH (ADDL.) TALUK  
BENGALURU URBAN DISTRICT

13. SMT. GOWRAMMA  
D/O. LATE KORAMARA VENKATAMMA  
W/O D.N. LAKSHMAIAH  
AGED ABOUT 76 YEARS  
RESIDING AT NO. 127, 2ND FLOOR  
KEMPANNA BUILDING  
NEAR YALLAMMA TEMPLE  
SINGANAYAKANAHALLI POST  
YELAHANKA, BENGALURU - 560 064

14. KUM. ASHWINI  
D/O LATE NARAYANAMMA &  
HANUMANTHAPPA  
GRANDDAUGHTER OF SMT. BYLAMMA &  
LATE RAMAMURTHY  
AGED ABOUT 27 YEARS

15. KUM. MANJI  
D/O LATE NARAYANAMMA AND  
HANUMANTHAPPA  
GRANDDAUGHTER OF SMT. BYLAMMA &  
LATE RAMAMURTHY

**WA No. 218 of 2025**  
**C/W WA No. 223 of 2025**  
**WA No. 225 of 2025**  
**WA No. 1343 of 2025**

AGED ABOUT 25 YEARS

16. SMT. NANJAMMA  
D/O LATE RAMAMURTHY & BYLAMMA  
AGED ABOUT 47 YEARS
17. SMT. MEENA  
D/O LATE RAMAMURTHY & BYLAMMA  
AGED ABOUT 45 YEARS
18. SMT. SARITA  
D/O LATE RAMAMURTHY & BYLAMMA  
AGED ABOUT 44 YEARS

NOS. 14 TO 18 ARE RESIDING AT:  
KAKOLU VILLAGE, HESARAGHATTA HOBLI  
BENGALURU NORTH TALUK  
BENGALURU URBAN DISTRICT - 560 089

...RESPONDENTS

(BY SRI K.S.HARISH, GOVERNMENT ADVOCATE FOR R-1 TO 4,  
SRI A.J. JAMES, R-5 - PARTY-IN-PERSON,  
SMT. ANCY JAMES, R-6 - PARTY-IN-PERSON,  
MS. FEBA NISHA, ADVOCATE FOR R-7 TO 9,  
SRI ESWARA, ADVOCATE FOR R-10 TO 12 &  
SRI S.T. JUNJAPPA, ADVOCATE FOR R-13 TO 18)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE ABOVE APPEAL AND SET ASIDE THE COMMON ORDER DATED 24/01/2025 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P. NO.13239/2023, CONSEQUENTLY, SET ASIDE THE COMMON ORDER PASSED BY THE 2<sup>ND</sup> RESPONDENT BY ORDER DATED 22.05.2023 IN PTCL 53/2022, PTCL 54/2022 AND PTCL 61/2022, FURTHER SET ASIDE THE ORDER DATED 27.02.2025 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P. NO. 13239/2023 AND ETC.

**WA No. 218 of 2025**  
**C/W WA No. 223 of 2025**  
**WA No. 225 of 2025**  
**WA No. 1343 of 2025**

**IN WA No.1343/2025**

**BETWEEN:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF REVENUE  
MULTISTORIED BUILDING  
DR. AMBEDKAR ROAD  
BENGALURU - 560 001

...APPELLANT

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE)

**AND:**

1. SRI H.R. SURESH  
S/O LATE H.K. RAMAIAH  
AGED ABOUT 64 YEARS  
RESIDING AT 'SHRESTA'  
No.1, JAKKUR MAIN ROAD  
JAKKUR POST  
BENGALURU - 560 064
2. MR. A.J. JAMES  
S/O A.C. JOSEPH  
AGED ABOUT 62 YEARS  
RESIDING AT No.576  
4<sup>TH</sup> CROSS, HMT LAYOUT  
R.T. NAGAR, BENGALURU - 560 032
3. MRS. ANCY JAMES  
W/O A.J. JAMES  
AGED ABOUT 55 YEARS  
RESIDING AT No.576  
4<sup>TH</sup> CROSS, HMT LAYOUT  
R.T. NAGAR, BENGALURU - 560 032

...RESPONDENTS

(BY SRI SANJAY KRISHNA V., ADVOCATE FOR R-1;

**WA No. 218 of 2025**  
**C/W WA No. 223 of 2025**  
**WA No. 225 of 2025**  
**WA No. 1343 of 2025**

V/O DATED 03.03.2026  
MR. A.J. JAMES, RESPONDENT No.2 - PARTY-IN-PERSON;  
SMT. ANCY JAMES, RESPONDENT No.3 - PARTY-IN-PERSON)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS ON W.P. Nos.13200/2023 C/w W.P. No.13192/2023 AND W.P. No.13239/2023 (SC-ST) AND SET ASIDE THE ORDER DATED 24.01.2025 SO FAR IT RELATES TO IMPOSITION OF COST OF RS.10 LAKHS ON THE APPELLANTS & ETC.

THESE WRIT APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE  
and  
HON'BLE MR. JUSTICE C.M. POONACHA

**C.A.V. JUDGMENT**

(PER: HON'BLE MR. JUSTICE C.M.POONACHA)

1. The appeals (WA.No.218/2025, WA.No.223/2025 and WA No.225/2025) are filed by the unsuccessful writ petitioner. Writ Petition No.1343/2025 is filed by the State. In all the appeals the common order dated 24.01.2025 passed in WP.No.13192/2023, WP.No.13200/2023 and WP No.13239/2023 are impugned.

**BACKGROUND FACTS.**

2. Sri Anjanappa and Smt. Koramara Venkatamma were permitted to cultivate an extent of 2 acres each in Survey No. 259 from the year 1951-1952 under the Grow More Food Scheme [GMF scheme]. The said GMF scheme was commenced vide a Government Order [GO] dated 11.04.1992 issued by the then General and Revenue Department of the Government of Mysore in the background of shortage in the production of food and fodder whereunder, in order to incentivise an increase in production, it was decided to put unoccupied irrigatable lands, which had not been put into cultivation and the Deputy Commissioner was permitted to lease the said lands for a period not exceeding three years with concession and payment of assessment and thereafter give an option to the said persons for purchasing the land at a reasonable upset price at the end of the lease. Subsequently by GO dated 13.06.1942, it was ordered that the upset price would not exceed the value of the land at the time when it was given for cultivation and if possible, the upset price would be intimated in advance when permission was granted to cultivate the lands. Subsequently, by GO dated 30.06.1964 it was decided to grant the land for five

**WA No. 218 of 2025**  
**C/W WA No. 223 of 2025**  
**WA No. 225 of 2025**  
**WA No. 1343 of 2025**

years on lease whereunder, the first two years would be free of assessment, the third and fourth years would be half assessment and the fifth year would be full assessment.

3. An extent of 2 acres of land granted to Smt. Koramara Venkatamma was vide order No.LND.SR(3)-310/60-61 dated 21.05.1961. The said extent of 2 acres in Survey No. 259 was at Sl.No.22 and hence, was numbered as Survey No.259/22. The Grant conferred in favour of Anjanappa was vide No.LND.SR (2)-225/60-61 dated 21.01.1966, of an extent of 2 acres in Survey No.259 which was at Sl.No.18 and hence, numbered as Survey No.259/18.

4. It is pertinent to note that the confirmation of grant in favour of Smt. Koramara Venkatamma was in the year 1961 and the confirmation in favour of Anjanappa was in the year 1966 (i.e., five years thereafter). It is also pertinent to note that Survey No.259, which was Gomal land, was of a total extent of 225 acres 16 guntas, out of which an extent of 125 acres was granted to various persons under the GMF scheme. The said grants to various persons were ranging from 6 acres to 2 acres. The sketch

filed by the Tahsildar before the learned Single Judge also indicates that the grant made in favour of Smt. Koramara Venkatamma was at the northern portion of Survey No.259 and the grant made in favour of Anjanappa was in the southern portion of Survey No.259.

5. On 05.04.1967, Smt. Koramara Venkatamma (described as a daughter of Sri. Koramara Krishnappa), sold the said 2 acres of land that was granted in her favour to Sri. B.G.Muniyappa by a registered Sale Deed for a sale consideration of ₹400/-. The revenue records were mutated in favour of Sri. B.G.Muniyappa vide MR.No.6/67-68 and the RTCs also reflected his name till 1995-1996 in respect of Survey No.259/22. Vide MR.No.52/95-96, the revenue entries standing in the name of Sri. B.G.Muniyappa were mutated in the names of his sons i.e., Sri. B.M.Govindaraju and Sri.B.M.Narayanaswamy, on the basis of an oral partition. On 16.09.2006, Sri. B.M.Narayanaswamy and his children executed a Sale Deed in favour of Sri. A.J.James and his wife Smt. Ancy James in respect of 1 acre in Survey No.259/22 (northern portion) for a total sale consideration of ₹22.05 lakhs. The revenue entries were also mutated in favour of the said Sri. A.J.James and Ancy

James vide MR No.213/2006-07. The southern portion of one acre was retained by Sri. B.M.Govindaraju, the other son of Sri.B.G.Muniyappa.

6. Sri A.J.James sought durast and phodi of the land purchased by him and it was noticed that the original records pertaining to grant in favour of Smt. Koramara Venkatamma were unavailable and hence proceedings were initiated under Section 67(2) of the Karnataka Land Revenue Act, 1964 [**KLR Act**], which culminated in order dated 31.07.2008, under which the Assistant Commissioner ordered durast and phodi of the land purchased by Sri.A.G.James and his wife, consequent to which, the said land was assigned Survey No.376 and the revenue entries were also mutated in his favour vide MR No.92/2008-09.

7. On 21.09.2008, the Tahsildar submitted a report to the Special Deputy Commissioner that the names of Sri.B.M.Govindaraju, Sri. B.M.Narayanaswamy, Sri. A.J.James and Smt.Ancy James have been entered in the RTC without any legal basis and requested for proceedings under Section 136(3) of the KLR Act to be initiated. On 12.06.2009, Sri. A.J.James and his wife

**WA No. 218 of 2025**  
**C/W WA No. 223 of 2025**  
**WA No. 225 of 2025**  
**WA No. 1343 of 2025**

sought permission of the Deputy Commissioner to use the agricultural land purchased by them for non agricultural purposes i.e., non-residential use (educational purposes) by order dated 06.01.2011. The Deputy Commissioner, after conducting an enquiry, came to the conclusion that the entries made in favour of Sri.A.J.James and his wife under MR No.213/2006-07 were improper and directed cancellation of the same and taking over possession of the land. The said order dated 06.01.2011 of the Deputy Commissioner was challenged by Sri. A.J.James and his wife before this Court (WP.No.No.46071/2011 and WP No.1697/2011). This Court vide order dated 02.09.2014 set aside the order of the Deputy Commissioner. It was observed that the records relating to the grant of Survey No.259/22 were available, which had been obtained by Sri. A.J.James under the Right to Information Act, 2005 [**RTI Act**] and directed the Deputy Commissioner to consider the original records and pass orders afresh. The Deputy Commissioner, instead of considering the matter afresh, directed the Tahsildar to hold an enquiry, which was called in question in WP No.43826-27/2015. This Court vide order dated 23.11.2015, quashed the said order of the Deputy Commissioner and directed him to conduct an inquiry in

**WA No. 218 of 2025**  
**C/W WA No. 223 of 2025**  
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terms of the order passed in W.P. No.46071/2011. The Deputy Commissioner vide order dated 30.01.2016 dropped the proceedings under Section 136(3) of the KLR Act. It was held that the records indicated that the land has been granted to Smt. Koramara Venkatamma. It was also directed the Tahsildar to continue the entries in respect of Survey No.376 (old Survey No.259/22) in favour of Sri. A.J.James and Ancy James. It was also held that the land granted to Smt. Koramara Venkatamma under the GMF scheme had been confirmed on payment of upset price; that there was no prohibition for alienation of land granted under the GMF scheme; that the alienation made by Smt.Koramara Venkatamma to Sri. B.G.Muniyappa was valid; and that Sri. A.J.James and Smt.Ancy James had purchased the said land under registered Sale Deed dated 16.09.2006 from the sons of Sri. B.G.Muniyappa.

8. In the meanwhile, on 25.08.2011 Smt. Gowramma and Smt. Bylamma, claiming to be the daughter and widowed daughter-in-law of Sri. Anjanappa respectively, made an application to the Assistant Commissioner under the provisions of the Karnataka Scheduled Castes and Schedules Tribes (Prohibition of Transfer of

Certain Lands) Act, 1978 [**PTCL Act**] to declare that the Sale Deed dated 05.04.1967 executed by Smt. Koramara Venkatamma in favour of Sri. B.G.Muniyappa as null and void and sought for resumption of the said land. In the said application for resumption, it was claimed that land that was granted to Anjanappa and confirmed in his favour on 20.01.1966 had been sold by his wife Smt. Koramara Venkatamma after his death. Hence, it was contented that Smt. Koramara Venkatamma was the wife of Sri. Anjanappa and that the land granted to Anjanappa was sold by Smt. Koramara Venkatamma.

9. It is noticed by the learned Single Judge that in the said proceedings for resumption, the widow and children of Sri. B.M.Govindaraju, Sri.B.M.Narayanaswamy and his children, as also Sri. A.J.James and his wife Smt.Ancy James were arrayed as respondents. However, they did not appear in the said proceedings despite notices being served. The Assistant Commissioner, by order of 02.09.2014 accepted the claim of Smt. Gowamma and Smt. Byamma, declared the Sale Deed dated 05.04.1967 executed by Smt. Koramara Venkatamma, as also the Sale Deed dated 16.09.2006 executed by Sri. B.M.Narayanaswamy and his

children as null and void and ordered for restoration of the land in favour of Smt. Gowramma. Pursuant to the said order dated 02.09.2014, the revenue records were changed on 07.11.2014 vide MR.No.29/2014-15. The said order passed by the Assistant Commissioner was challenged by Sri. A.J.James and his wife in the year 2016 by preferring an appeal to the Deputy Commissioner contending, *inter alia*, that they did not have notice of the resumption proceedings.

10. In the meanwhile, on 02.03.2015, Smt. Gowramma and Smt. Byamma made an application seeking for permission to alienate the land that had been ordered to be resumed in their favour. It was noticed by the learned Single Judge that pursuant to the order dated 02.09.2014 passed by the Assistant Commissioner whereunder, resumption of the land was ordered, Smt. Gowramma and Smt. Byamma did not make any application for handing over possession of the land, nor were steps taken by the authorities to actually resume the land. It has been noticed that Sri. A.J.James and Smt. Ancy James continued in possession of the lands purchased by them vide the registered Sale Deed dated 16.09.2006.

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11. Pursuant to the request made by Smt. Gowramma and Smt. Bylamma for permission to sell the land, which was ordered to be resumed in their favour, the Deputy Commissioner in his recommendation dated 05.09.2015 had noted Smt. Gowramma and Smt. Bylamma were in possession of the land (although in the applications filed in the year 2011, Smt. Gowramma and Smt. Bylamma had themselves stated that the land was required to be restored in their favour). The State Government vide order dated 23.09.2015, accepted the recommendation dated 05.09.2015 of the Deputy Commissioner and accorded permission to Smt. Gowramma and Smt. Bylamma to sell the land. The Deputy Commissioner by Official Memorandum (OM) dated 23.09.2015 intimated the factum of permission having been accorded under Section 4(2) of the PTCL Act by the Government. On the basis of the said permission, Smt. Gowramma and Smt. Bylamma proceeded to execute a Sale Deed dated 14.10.2015 in favour of Sri. H.R.Suresh.

12. The purchaser, Sri. H.R.Suresh, was impleaded in the appeal filed by Sri. A.J.James and Ancy James before the Deputy Commissioner in the year 2016. The Deputy Commissioner, vide

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order dated 04.05.2018 allowed the appeal and remanded the matter to the Assistant Commissioner for reconsideration. In the meanwhile, the purchaser Sri. H.R.Suresh filed a suit in OS No.2576/2018 against the children of Sri. B.G.Muniyappa, Sri. A.J.James and his wife, Sri. B.M.Narayanaswamy and his family members and the Trial Court granted an order of temporary injunction in his favour in respect of land bearing Survey No.376 (old Survey No.259). In the remand proceedings also, Sri. H.R.Suresh was impleaded as respondent No.9. The Assistant Commissioner, in the remand proceedings, vide order dated 21.02.2019 held that the land granted to Anjanappa had been transferred in contravention of the terms of the grant and the land was required to be resumed.

13. In the meanwhile, the order dated 04.05.2018 passed by the Deputy Commissioner remanding the matter to the Assistant Commissioner was challenged by Sri. A.J.James and his wife Ancy James along with the wife and children of Sri. B.M.Govindaraju before this Court in W.P.No.8401-02/2019. This Court, vide order dated 13.12.2019 held that since, during the pendency of the writ petition, the Assistant Commissioner had disposed of the

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application, the writ petition would not survive for consideration and the writ petitioners have to avail the remedy of appeal before the Deputy Commissioner.

14. The said order was affirmed in WA No.267/2020. Subsequently, Sri. A.J.James and his wife Ancy James, as well as the wife and children of Sri. B.M.Govindaraju, preferred an appeal before the Deputy Commissioner, in which the purchaser Sri. H.R.Suresh was arrayed as respondent No.5. The Deputy Commissioner vide order dated 22.05.2023, allowed the appeal and set aside the order of resumption. It was held that the proceedings for resumption had been initiated 44 years after the grant and could not be entertained. It was further held that the lands having been granted under the GMF scheme, the said land could not be considered as granted land as contemplated under the PTCL Act.

15. The said order dated 22.05.2023 passed by the Deputy Commissioner is impugned in the writ petitions [W.P. No.13200/2023, W.P. No.13192/2023 and W.P. No.13239/2023] by H.R. Suresh.

16. In the meanwhile, Sri A.J.James and the son of Sri. B.M.Govindraju viz., Sri G.B.Bhaskar has lodged various complaints to the Government complaining of illegalities in the grant of permission to Smt. Gowamma and Smt. Bylamma to sell the land. The Government directed the Regional Commissioner to examine the complaint and submit his considered opinion. The Regional Commissioner called for a report from the Deputy Commissioner. Accordingly, the Deputy Commissioner submitted a report dated 06.07.2023 to the Regional Commissioner, wherein he has stated that there is been lapses in the grant of permission under Section 4(2) of the PTCL Act, inasmuch as the proceedings that had been initiated under Section 136(3) of the KLR Act were dropped after noticing that there was a grant made in favour of Smt. Koramara Venkatamma, which had not been taken note of before considering the application for grant of permission. It has also been noticed that due to illegalities committed by the officials, severe prejudice had been caused to Sri. A.J.James and Sri. G.B.Bhaskar. The Regional Commissioner by his report dated 13.11.2023 sent to the Government, accepted the report of Deputy Commissioner dated 06.07.2023 and stated that the purchase made by Sri. A.J.James had been upheld by the Deputy

Commissioner in proceedings initiated under Section 136(3) of the KLR Act and therefore, the order of the Assistant Commissioner in resuming the lands in proceedings under Section 4(2) of the PTCL Act was incorrect.

17. Sri. H.R. Suresh had been served with the notice dated 10.04.2023 for conducting of survey which was challenged in W.P. No.10634/2023. A learned Single Judge of this Court entertained the said writ petition directed parties to maintain status-quo, which writ petition is stated to be pending. In the said writ petition Sri. A.J.James made an application on 19.04.2024 seeking restitution. In the said application, apart from restitution, damages of a sum of ₹ 67.49 lakhs was claimed as damages caused to his Farmhouse. It was contended that Farmhouse was destroyed by Sri. H.R.Suresh and he tried to enter into the property on the basis of the Sale Deed and hence, Sri A.J.James is required to be restituted.

**FINDINGS IN THE IMPUGNED ORDER:**

18. Learned Single Judge while considering the writ petitions framed the following points for consideration:

58. In light of the above, the points that would arise for consideration in these writ petitions are:

i. Whether the application for resumption filed by Gowamma and Byamma could have been entertained in respect of the land which had been granted to Koramara Venkatamma?

ii. Whether the Government could have accorded permission to Gowamma and Byamma to sell the land to H.R.Suresh without even noticing that the land had actually not been resumed and had been restored to them?

iii. Whether the provisions of the PTCL Act could be invoked in respect of the land which was admittedly a land granted under the GMF Scheme?

iv. Whether the claim of A.J. James and his wife for reimbursement of damages and for restitution can be granted?

19. While considering point No.1 i.e., as to whether the application for resumption filed by Smt. Gowamma and Smt. Byamma could be entertained in respect of the land which has been granted to Smt. Koramara Venkatamma, the learned Single Judge had noticed the affidavit dated 16.12.2024 of the Tahsildar, wherein a sketch was produced indicating the locations of the land granted to 27 persons along with the serial numbers. The learned Judge at para No.69 of the impugned order had extracted the relevant portion of the sketch. It has been noticed by the learned Single Judge that land at Sl.No.22 is situated at the

North portion of the survey number, while land at Sl.No.18 is situated in the southern portion of the said survey number. It was thus concluded by the learned Single Judge that both the said lands i.e., at Sl.Nos.22 and 18 were far away from each other and not even abutting lands.

20. The learned Single Judge while considering the matter in detail has appreciated the various material placed on record held, *inter alia*, as under:

- a. That Smt. Gowamma and Smt. Bylamma were interested only in land granted to Sri. Anjanappa which was at Sl.No.18 in Sy.No.234 and had no rights whatsoever to claim the land granted to Smt. Koramara Venkatamma which was at Sl.No.22 of Sy.No.259;
- b. Smt. Gowamma and Smt. Bylamma made a patently false claim in their applications for resumption that land bearing Sy.No.259/22 (new Sy.No.376) measuring two acres had been granted to Sri. Anjanappa on 20.01.1966;
- c. That no document was produced by Smt. Gowamma and Smt. Bylamma in support of their assertion that

Smt. Koramara Venkatamma was the wife of Sri. Anjanappa who had succeeded his property after his death;

d. Smt. Gowamma and Smt. Byamma who was stated to be the legal heirs of Sri. Anjanappa could seek resumption only of land at Sl.No.18 in Sy.No.259 and not land at Sl.No.22 in Sy.No.259.

21. With regard to Point Nos.(ii), (iii) and (iv) framed for consideration that was with regard to the applicability of the PTCL Act to the land in question, the learned Single Judge had noticed the judgment of the Supreme Court in the case of **Guntaiah & others Vs. Hambamma and others**<sup>1</sup>; judgment of the Full Bench of this Court in the case of **Hambamma Vs. State of Karnataka**<sup>2</sup> as well as in the case of **Chikka Kullegowda Vs. State of Karnataka**<sup>3</sup>.

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<sup>1</sup> (2005) 6 SCC 228

<sup>2</sup> 1998 SCC OnLine Kar 162

<sup>3</sup> 1997 SCC OnLine Kar 178

**DISCUSSION AND REASONING:**

22. It is pertinent to note that the primary contentions raised by the appellants/writ petitioners are with regard to the applicability of the PTCL Act, even to lands granted under the GMF Scheme. The factual finding of the learned Single Judge with regard to application for resumption made by Smt. Gowramma and Smt. Bylamma under the provisions of the PTCL Act being in respect of lands granted to Sri. Anjanappa [Survey No.259/18]; whereas, the lands in which, the private respondents claimed right, title and interest, are the lands that were granted to Smt. Koramara Venkatamma, i.e., Survey No.259/22 [a portion of which, i.e., 01 acre purchased by Sri. A.J.James and his wife Smt. Ancy James has been assigned new Survey No.376] have not been seriously disputed. In any event, the appellants have miserably failed in demonstrating that the said factual findings as recorded by the Deputy Commissioner and the learned Single Judge are in any manner erroneous and liable to be interfered with by this Court in the present appeals.

23. Further, the learned Single Judge has also noticed various alleged irregularities made by the concerned revenue officials, *inter alia*, taking forcible possession of the land from Sri. A.J.James and his wife Smt. Ancy James, despite no proceedings having been initiated by Smt. Gowramma and Smt. Byamma, consequent to the order of resumption dated 02.09.2014 passed by the Assistant Commissioner. In any event a detailed reconsideration of the alleged irregularities as noticed by the learned Single Judge is not required to be made while adjudicating upon the present appeals having regard to the findings recorded by the Deputy Commissioner and the learned Single Judge that the predecessor in title of the appellants/writ petitioners was Smt. Gowramma and Smt. Byamma, whose application for resumption pertained to the land granted to Sri. Anjanappa, i.e., Sy.No.259/18. It is also been noticed that although in the application for resumption made by Smt. Gowramma and Smt. Byamma, it was contended that Smt. Koramara Venkatamma was the wife of Sri. Anjanappa, who succeeded to the property granted to Anjanappa after his death, and that she had alienated the property of Anjanappa, after his death, no documents have been produced either before the Deputy Commissioner or the

Assistant Commissioner, in support of the contention that Smt. Koramara Venkatamma was the wife of Sri. Anjanappa.

24. The Hon'ble Supreme Court in the case of ***Guntaiah***<sup>1</sup> was considering a challenge made to the judgment of the Full Bench of this Court in the case of ***Hambamma***<sup>2</sup>. The two questions that were framed by the Full Bench of this Court by virtue of the reference made to it by a Division Bench of this Court is as under:

6. The above reference raises two questions:

(i) Whether the authority granting the land under Rule 43-J of the Mysore Land Revenue (Amendment) Rules 1960 can impose a condition at the time of making a grant stating that grantee cannot alienate the same?

(ii) Whether an authority including the Tahsildar can impose a condition while issuing the Saguvali Chit stating that the grantee cannot alienate the land for a period of 15 years, when the grant does not contain such condition and what is the effect of the condition imposed in the Saguvali Chit?

24.1 . While considering the said questions, the Full Bench also noticed the earlier Full Bench Judgment of this Court in the case of ***Chikka Kullegowda***<sup>3</sup> and held as under:

11. The Full Bench held that the conditions stipulated in Rule 43-G is inapplicable to grants under Rule 43-J and they entirely agreed with the view taken in *Siddamma*'s case, supra. But, however, the Full Bench kept open the

questions as to the validity of grant of land under Rule 43-J imposing a condition by the Tahsildar that the grantee shall not alienate the land for a period of 15 years.

12. Therefore, the point for consideration is, whether, after the grant order is made, whether an authority can impose a condition prohibiting alienation, and if so, what is its effect?

13. We entirely agree with the view taken by the Full Bench that the conditions stipulated under Rule 43-G are not applicable for grants made under Rule 43-J and there are no grounds for us to differ from the view taken by the Full Bench in this regard.

14. Once the conditions stipulated in Rule 43-G cannot be applied to the grants under Rule 43-J as there is no power or authority to impose any condition stating that the land granted under Rule 43-J cannot be alienated for a period of 15 years or any other period. It is a settled principle of law that the delegate cannot exceed his power and he has only to act within the power conferred on him. Therefore, the condition imposed by the Tahsildar in the Saguvali Chit, at the time of issuing the same, that the grantee shall not alienate the land for a period of fifteen years, when such condition was not imposed by the order or the authority making the grant, cannot be sustained.

15. The second question for consideration is what is the effect of the condition imposed by the Tahsildar at the time of issuing the Saguvali Chit. The granting Authority, as well as the Tahsildar, derive their power from Rule 43-J. When there is no power to impose any condition in the Saguvali Chit under Rule 43-J, at the time of grant, the subordinate authority, i.e., the Tahsildar has exceeded his limit in imposing the condition. The Tahsildar being the delegate, has no power to impose any condition in the Saguvali Chit. Even if such condition is imposed, the same is not valid in the eye of law and it is without power and jurisdiction. Therefore, the condition imposed by the Tahsildar in the

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Saguvali Chit stating that the grantee cannot alienate the land for a period of 15 years or any other period is not valid. In the absence of any such condition, it is open to the grantees to enjoy the land as they like, including the right to alienate the land.

16. No other provisions are brought to our notice, authorising to impose a condition of prohibition of alienation. Therefore, in the absence of such a power, the authority including Tahsildar cannot impose any condition; so the condition imposed is not valid in the eye of law.

17. The learned Counsel for the original grantees contended that the grant is not under Rule 43-J, but it is under Rule 43-G. We have perused the orders of the original authority cancelling the grant and upholding the same by the Appellate Authority. Both the orders show that the grantees were in possession on temporary lease when they were granted the land by virtue of Rule 43-J; whereas for the grantees under Rule 43-C the unoccupied lands are given. Therefore, the grants involved in these cases are under Rule 43-J and therefore, we are not able to accept the contention of the original grantees.

18. It is also contended that the State has collected the upset price from the grantees. Therefore, the grant has to be presumed under Rule 43-C and Rule 43-D and other sub-clauses. Government has taken a policy decision to grant the lands to temporary holders on a concessional price. After Rule 43-J is framed, such lands are granted to various persons and concessional price is collected. Merely because some price is collected, it cannot be said that the collection of upset price is not correct. The impugned grant is under Rule 43-G, when it was actually made under Rule 43-J. Even on this aspect, we do not see any force in the contention raised by the learned Counsel for the original grantees.

Therefore, the reference is answered accordingly.

25. The Supreme Court in the case of **Guntaiah**<sup>1</sup> was considering a fact situation wherein the land was granted to members of Scheduled Castes and Schedule Tribes, which were initially given on temporary lease and later permanently by virtue of Rule 43-J of the KLR Rules. The said lands were given to the said persons permanently with a restriction that the grantees shall not alienate the lands to third parties for a period of 15 years. The said lands were granted during the period 1959-65. Subsequently, the PTCL Act came into force on 01.01.1979. The Supreme Court noticed the findings of the Full Bench of this Court as under:

8. The finding of the Full Bench of the Karnataka High Court is that if the grant is made under Rule 43-J, there could not have been any condition restricting the alienation and if at all there were any such conditions they are null and void. This view has been taken for the reason that conditions restricting alienations are given under clause (4) of Rule 43-G and these provisions would apply to grant of lands made under the preceding rules and not apply to Rule 43-J which comes after Rule 43-G of the Rules of 1960. This view has been taken based on the title/marginal note of Rule 43-G. The Full Bench was also of the view that under Rule 43-J, it is not stated that there shall be any conditions prohibiting alienation. Therefore, the court held that authorities were not empowered to impose any such conditions.

25.1. The Supreme Court, after noting the findings of the Full Bench of this Court, held as under:

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12. When the rule itself says that where the grant is made free of cost or at a price which is less than the full market value, such grant shall be subject to the condition that the land shall not be alienated for a period of 15 years from the date of the grantee taking possession of the land after the grant, such conditions could be imposed on any grant made to the party.

13. In any case, the High Court failed to take into account the clear language employed in Section 4, according to which 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' shall be null and void(emphasis supplied). The violation of the terms of grant itself gives rise to the action under Section 4 read with Section 5. So long as the terms of the grant prohibiting transfer are not opposed to any specific provision of law, they cannot be violated and the transferee gets no rights by virtue of such invalid transfer. That is the sum and substance of Section 4 which has not been duly considered by the High Court.

14. It is also pertinent to note that the prohibition regarding alienation is a restrictive covenant binding on the grantee. The grantee is not challenging that condition. In all these proceedings, challenge is made by the third party who purchased the land from the grantee. The third party is not entitled to say that the conditions imposed by the grantor to the grantee were void. As far as the contract of sale is concerned, it was entered into between the Government and the grantee and at that time the third party purchaser had no interest in such transaction. Of course, he would be entitled to challenge the violation of any statutory provisions but if the grant by itself specifically says that there shall not be any alienation by the grantee for a period of 15 years, that is binding on the grantee so long as he does not challenge that clause, more so when he purchased the land, inspite of being aware of the condition. The Full Bench seriously erred in holding that the land was granted under Rule 43-J and that the authorities were not empowered to impose any conditions regarding alienation without adverting

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to Section 4 of the Act 2 of 1979. These lands were given to landless persons almost free of cost and it was done as a social welfare measure to improve the conditions of poor landless persons. When these lands were purchased by third parties taking advantage of illiteracy and poverty of the grantees, Act 2 of 1979 was passed with a view to retrieve these lands from the third party purchasers. ...

15. The conditions restricting alienation imposed by the authorities are legally valid and the finding of the Full Bench to the contrary is not correct and the impugned Judgment is thus not sustainable in law. The impugned Judgment is set aside, the order passed by the learned Single Judge is upheld and these appeals are allowed. The authorities shall take appropriate steps pursuant to the order passed by the authorities under the Act 2 of 1979 within a period of three months. There will be no order as to costs.

26. In the present case, the learned Single Judge noticing the judgment of the Supreme Court in the case of **Guntaiah**<sup>1</sup> as well as the Full Bench judgment of this Court in the case of **Hambamma**<sup>2</sup> and **Chikka Kullegowda**<sup>3</sup> held as under:

93. This judgment was approved by the Full Bench in Chikka Kullegowda's case. However, in that case, the Full Bench was not concerned with a land granted under the GMF Scheme and was actually dealing with a case where lands had been temporarily leased to certain persons belonging to scheduled castes or scheduled tribes before the commencement of the Mysore Land Revenue (Amendment) Rules, 1960 and were subsequently granted under Rule 43J (paragraph 2 of the judgment). The Full Bench in that case approved the ratio laid down by the Division Bench in Siddamma's case in the context of Rule 43G not being applicable to a land granted under Rule 43J, but since

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this case was not concerning a land granted under the GMF Scheme, the same can have no application directly.

94. This decision of the Full Bench was approved by another Full Bench in Hambamma's case which held that the period of 15 years non-alienation cannot be applied for lands granted under Rule 43J. However, this judgment has been reversed by the Apex Court in Guntaiah's case and, therefore, the argument is being advanced that even in respect of lands granted under the GMF scheme, if the grantee is a person belonging to the scheduled caste and scheduled tribe, the PTCL Act would be applicable.

95. It must be noticed here that in Guntaiah's case also, the Apex Court was dealing with a case in which lands had been granted to persons belonging to scheduled castes or scheduled tribes who had been given these lands on a temporary lease and had thereafter granted to them permanently (paragraph 2 of the judgment) and was not dealing with a land which had been granted under the GMF scheme. In my view, therefore, the reliance placed on this judgment can be of no avail.”

27. The learned Single Judge after noticing the Government Order dated 11.04.1942 (pertaining to the GMF Scheme, which has been extracted at para 96 of the impugned order) held as under:

97. It must be noticed here that the Government did not make any special reservation to persons belonging to depressed classes nor did they extend any concession to them specifically. This scheme was thrown open to the public in general and was made available to any person who came forward to put unoccupied lands to cultivation, given the background that there was severe shortage of grains and imperative steps were to be taken to increase the production. The order, in fact, states that the normal procedures of Darkhasts should

be simplified so that delay in grant of the lands were minimized.

98. Thus, the Government Order was, in essence, a relaxation to the normal land grant rules which contained various restrictions on granted lands. If the lands are permitted to be occupied for putting the same under cultivation and if the occupier is given the option of purchasing the same after 3 or 5 years, if he has brought the lands leased to him under cultivation, it is obvious that such kind of grants cannot be imposed with the restrictive clauses which would be applied in respect of the normal grants.

99. It must be kept in mind that under the normal land grant rules, the procedure for reserving lands to depressed classes and allotting it to them because they belong to depressed classes would make it a granted land, which would, in turn, attract the restrictive clauses. However, if the lands are allotted in relaxation of the rules, obviously the restrictive clauses can have no application.

28. It is apposite to notice a judgment in the case of **Nanjamma and others v. State of Karnataka and others**<sup>4</sup>, whereunder a learned Single Judge of this Court was considering a fact situation wherein land was granted under the GMF Scheme under Rule 43-J of the Rules. The proceedings for resumption were initiated under the provisions of the PTCL Act, which was allowed by the Assistant Commissioner and affirmed by the Deputy Commissioner. The learned Single Judge noticed that the lands in

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<sup>4</sup> Order dated 25.02.2022 in WP No.12748 of 2011

question having been granted under the GMF Scheme, the grantee had paid the upset price and secured the title of the said property. Hence, the learned Single Judge, after noticing the various other judgments including the judgment in the case of **Guntaiah**<sup>1</sup> held that the land granted under the GMF Scheme at an upset price does not fall under the definition of “granted land”. Hence, set aside the orders of the Assistant Commissioner and Deputy Commissioner, who had ordered for resumption of the lands. It has also been noticed in the impugned order that the writ appeal filed challenging the order of the learned Single Judge passed in the case of **Nanjamma**<sup>4</sup> was rejected by the Division Bench in the case of **Sri.B.Shivalingaiah v. Smt.Nanjamma and others**<sup>5</sup> as well as by the Supreme Court<sup>6</sup>.

29. It is to be noticed that in order for the provisions of the PTCL Act to be applicable to the facts of the present case, the predecessors in title of the appellant i.e., the persons who made the application for resumption namely Smt. Gowamma and Smt. Bylamma ought to have demonstrated that the grant made in

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<sup>5</sup> Order dt.19.09.2022 in WA No.339/2022

<sup>6</sup> Sri.B.Shivalingaiah v. Smt.Nanjamma and others in SLP(c) No.4224/2023 order dated 24.02.2023.

favour of Sri. Anjanappa was with certain conditions; that Sri. Anjanappa was a person belonging to Scheduled Castes/Scheduled Tribe so as to attract the prohibition contained under Section 4 of the PTCL Act; and further that the land has been transferred in violation of the conditions of grant. The order dated 21.02.2019 passed by the Assistant Commissioner allowing the applications for resumption have been set aside by the order dated 22.05.2023 passed by the Deputy Commissioner, which was impugned before the learned Single Judge.

30. In this context, it is pertinent to note here that the Assistant Commissioner vide order dated 21.02.2019 affirmed the earlier order for resumption dated 02.09.2014 passed by the Assistant Commissioner (the order dated 02.09.2014 was passed at the first instance and the order dated 21.02.2019 was passed after remand). It is forthcoming from a perusal of the order dated 02.09.2014 that the application for resumption was made by Smt. Gowamma and Smt. Byamma with respect to the lands granted to Sri. Anjanappa. It was stated that after the demise of Sri. Anjanappa, his wife Smt. Venkatamma inherited the land and sold the same in favour of Sri. B.G.Muniyappa vide registered Sale

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Deed dated 05.04.1967. The land which resumption was sought was described as “old Survey No.259- Re.Survey No. 259/22 - now new Survey No. 376, measuring 2 acres situated at Betta-Halalur Village, Jala Hobli, previously in Devanali Taluk, now in Bangalore North (Additional) Taluk”. It further stated that Sri. Anjanappa was the father of the petitioner No.1 (Gowramma) and father-in-law of the petitioner No.2 (Bylamma). The Assistant Commissioner held that the land was sold vide Sale Deed dated 05.07.1967 in favour of Sri. B.G.Muniyappa, within one year from the date of the Saguvali Chit dated 23.05.1966.

31. It is clear from the findings recorded in the said order dated 02.09.2014 that the Assistant Commissioner had not noticed the fact that while Smt. Gouramma and Smt. Bylamma were claiming through Sri. Anjanappa, the property in respect of which the application was filed was the property granted to Smt. Koramara Venkatamma. Even in the subsequent order dated 21.02.2019, although all the relevant details demonstrating the distinction in the grants made in favour of Sri. Anjanappa and Smt. Koramara Venkatamma were placed on record, the Assistant Commissioner, vide order dated 21.02.2019 proceeded to confirm

the earlier order dated 02.09.2014. Hence the Deputy Commissioner was justified in setting aside the orders passed by the Assistant Commissioner and the learned Single Judge was justified in dismissing the writ petitions.

32. In any event, the assertions made in the application for resumption by Smt. Gowramma and Smt. Byamma are with regard to the land granted to Anjanappa (Survey No. 259/18) and not with regard to the land granted to Smt. Koramara Venkatamma (Survey No. 259/22), although the description of property was the land granted to Smt. Koramara Venkatamma.

33. Having regard to the fact that there is an inherent contradiction with regard to the case put forth in the application for resumption with regard to the person to whom the land is granted *vis-à-vis* the land which resumption is sought, the question of the Assistant Commissioner recording a finding regarding violation of the provisions of PTCL Act does not arise. Hence, the reliance placed by the appellants on the case of **Guntaiah**<sup>1</sup> would not aid their case and the said contention is liable to be rejected.

**WITH REGARD TO W.A.NO.1343/2015 FILED BY STATE:**

34. W.A.No.1343/2025 is filed by the State being aggrieved by the decision of the learned Single Judge to impose exemplary costs of ₹10,00,000/-. In this context, it is relevant to note that the learned Single Judge, upon appreciating the factual matrix, noticed that consequent to the order of resumption dated 02.09.2014 passed by the Assistant Commissioner, no proceedings were initiated by Smt. Gowramma and Smt. Bylamma for taking possession of the land in question. It is also pertinent to note that the 2 acres of land that was granted to Smt. Koramara Venkatamma was purchased by Sri. B.G.Muniyappa vide the registered Sale Deed dated 05.04.1967. Upon the death of Sri. B.G.Muniyappa, the said granted land (an extent of 2 acres) devolved upon his sons Sri. B.M.Govindaraju and Sri. B.M.Narayanaswamy. Sale Deed dated 16.09.2006 was executed by Sri. B.M.Narayanaswamy and his children conveying 1 acre of the said granted land (i.e., Survey No. 259/22) in favour of Sri. A.J.James and his wife Smt. Ancy James. The land purchased by Sri. A.J.James and his wife has been assigned a fresh survey number i.e., Survey No.376. The balance extent of 1 acre of the

granted land was retained by Sri. B.M. Govindaraju, the other son of Sri. B.G. Muniyappa. The said Sri. B.M. Govindaraju having since deceased, his widow and children i.e., Smt. Susheelamma, Sri. Bhaskar and Sri Shashidhar are in enjoyment of the balance extent of 1 acre of land granted to Smt. Koramara Venkatamma. The successors in interest of Smt. Koramara Venkatamma as well as Sri. A.J.James and his wife are the private respondents in writ petitions as well as the present appeals.

35. With respect to the portion of the property purchased by Sri. A.J.James and his wife Smt. Ancy James, it is contended that, consequent to the purchase of the property, they have built a farm house and are in possession and enjoyment of the said extent of 1 acre.

36. It is the contention of the private respondents that consequent to the order of resumption dated 02.09.2014 passed by the Assistant Commissioner, without the original applicants to the resumption proceedings i.e., Smt. Gowramma and Smt. Bylamma, having initiated any proceedings for being put in possession of the property consequent to the order of resumption, upon an

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application made by Smt. Gowramma and Smt. Bylamma, the Assistant Commissioner proceeded to pass the order dated 02.09.2014 granting permission to alienate the property; consequent to which, Smt. Gowramma and Smt. Bylamma executed the Sale Deed dated 14.10.2015 in favour of the appellant, Sri. H.R. Suresh. It is the further contention of the private respondents that Sri. H.R. Suresh, claiming right, title and interest by virtue of the said Sale Deed dated 14.10.2015 has forcibly taken possession of the property from the private respondents.

37. In this context, the learned Single Judge noticed that consequent to an order for resumption passed under Section 5(1)(a) of the PTCL Act, under Section 5(1)(b) of the said Act, the Assistant Commissioner is required to restore the land to the original grantee or his legal heirs and only if that is not practicable, the land is deemed to be vested in the State and the State will have to grant the land to persons belonging to Scheduled Castes or Scheduled Tribes. The said Section 5 of the PTCL Act reads as under:

**“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 from 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.
- (c) Notwithstanding anything contained in any law, there shall be no limitation of time to invoke the provisions of this Act.
- (d) the provisions of clause (c) shall apply to all cases pending before all the competent authorities and all Courts of Law adjudicating the cases under this section.”

38. Further, the learned Single Judge has noticed that under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Rules, 1979 (PTCL Rules), Rule 3 stipulated the procedure for resumption and restitution of granted land. The said Rule 3 reads as under:

**“3. Resumption and restitution of granted lands:**

(1) Every application by any interest person under Section 5 shall be in Form I.

(2) On receipt of an application or information under sub-section(1) of Section 5, the Assistant Commissioner may direct the applicant or informant, as the case may be, to furnish such further particulars or information as may be required and fix a date for furnishing the same.

(3) After receipt of the particulars or information if any, called for under sub rule (2), the Assistant Commissioner shall, by a notice in Form II, require the person or persons in possession of the granted land to file objections, to the claim with documentary evidence, if any, within such reasonable time, as the Assistant Commissioner may think fit in the circumstances of the case.

(4) The Assistant Commissioner shall fix a date for hearing notice of which shall be given to the applicant or the informant as the case may be other interested persons and persons objecting the claim. A copy of the notice shall also be affixed on the notice Board of the Office of the Assistant Commissioner and the concerned Taluk Office.

(5) Save as otherwise provided in these rules, the Assistant Commissioner shall for the purpose of an enquiry under Section 5, follow the procedure for a formal enquiry under Section 33 of the Karnataka Land Revenue Act, 1964.

(6) After enquiry, the Assistant Commissioner shall consider all the objections raised and pass an order giving reasons for his conclusions. Thereafter he may take possession of such land after evicting the

persons in possession thereof in the manner specified in Section 39 of the Karnataka Land Revenue Act, 1964 and take further action as provided in Section 5.

(7) The provision of sub-rules (2) to (6) shall mutatis mutandis apply to suo motu action, if any taken by the Assistant Commissioner.”

39. The learned Single Judge, after noticing the material on record has held that no proceedings as contemplated under Section 5(1)(b) of the Act or Rule 3 of the PTCL Rules were initiated by the Assistant Commissioner.

40. Further, Section 39 of the KLR Act, which contemplated the manner of evicting any person in wrongful possession of the land was noticed by the learned Single Judge. The said Section 39 of the KLR Act reads as under:

**“39. Manner of evicting any person wrongfully in possession of land.—**

Whenever it is provided by this Act or any other law for the time being in force that the Deputy Commissioner may or shall evict any person wrongfully in possession of land or where any order to deliver possession of land has been passed against any person under this Act, such eviction shall be made or such order shall be executed, as the case may be, in the following manner, namely: —

(i) by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land, and

(ii) if such notice is not obeyed, by removing or deputing a subordinate officer to remove any person who may refuse to vacate the same, and

(iii) if the officer removing any such person is resisted or obstructed by any person, the Deputy Commissioner or the Revenue Officer, as the case may be, shall hold a summary inquiry into the facts of the case and, if satisfied that the resistance or obstruction was without any just cause and that such resistance and obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, take or cause to be taken, such steps and use or cause to be used, such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the order.”

41. The learned Single Judge has also noticed that no proceedings were initiated by the concerned authorities (Deputy Commissioner) for evicting the private respondents from the land in question as contemplated under Section 39 of the KLR Act. Further, the learned Single Judge has noticed the affidavit dated 17.12.2024 filed by the Assistant Commissioner wherein, it was stated that there was no material to indicate that the procedure for

eviction was undertaken. The Assistant Commissioner has also issued an endorsement dated 17.10.2018 to Sri. A. J. James, in which it is stated that no notices were issued as contemplated under Rule 3(6) of the PTCL Rules or under Section 39 of the KLR Act. In view of the said findings, the learned Single Judge while awarding exemplary costs of ₹ 10,00,000/- , held as under:

“119. It cannot be in dispute that in a proceeding under the PTCL Act, a grantee or his legal heir is not in possession of the lands that had been granted to him, as he would have admittedly transferred them to another in contravention of the terms of the grant under an instrument. It is only after this transfer is declared to be null and void can the transferee be evicted and the land be restored to the grantee or his legal heir.

120. If the persons in possession i.e., the transferee are not dispossessed in the manner specified in Rule 3(6) of the PTCL Rules and Section 39 of the KLR Act, the question of restoring the land to the grantee would never arise.

121. However, in this case, without verifying this elementary fact as to whether the transferees who were admittedly in possession had been dispossessed, the authorities have entertained the application filed by Gowamma and Byamma seeking permission to sell the land which ordered to be resumed in their favour.

122. In fact, in the recommendation made by the Deputy Commissioner, which is already extracted above, they have gone on to observe that Gowramma and Bylamma were already in possession. This has been done obviously for extraneous considerations.

123. In fact, pursuant to the complaint lodged by A.J.James, an enquiry had been ordered by the Government and the Regional Commissioner has submitted a report that there were several illegalities in the grant of permission and steps should be taken to cancel the permission accorded. This report, by itself, proves the callous manner in which the officials have acted and which has resulted in H.R.Suresh taking advantage of the situation and dispossessing A.J.James and his wife, and also the wife and children of B.M.Govindaraju and also caused damage to their property.

124. In fact, A.J.James has placed on record, material to show that the farmhouse that he had constructed has been damaged considerably and material in this regard was also placed before the Assistant Commissioner and the Deputy Commissioner, but they have not passed any order in this regard.

125. In my view, since the according of permission by the State to H.R.Suresh without even verifying whether the land had been resumed and restored to Gowramma and Bylamma is the root cause of the trauma and damage

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caused to A.J.James and his wife, it would be appropriate to impose exemplary costs of Rs.10,00,000/- (Rupees Ten Lakhs) to be paid by the State to A.J. James and his wife. Ordered accordingly.”

(emphasis supplied)

42. Although there is abundant material to demonstrate that, forcible possession of the property has been taken from the private respondents, it is not clear that the officials of the State were also involved in the same. Whilst the learned Single Judge has rightly found that the Assistant Commissioner ought not to have considered the application for permission to alienate without the applicants having been put in possession of the property pursuant to the order of resumption dated 02.09.2014, the said circumstance alone would not justify the imposition of exemplary costs of ₹10 Lakh. Accordingly, the cost of ₹10 Lakh imposed on the State by the learned Single Judge is reduced to ₹50,000/- with liberty to the State to recover the cost from the concerned officials after conducting an enquiry in that regard. This order will not preclude the private respondents from initiating appropriate proceedings as may be permissible under law for claiming damages for any loss.

43. Further, while dealing with the aspect as to the manner in which the appellant was put in possession of the property pursuant to the Sale Deed dated 14.10.2015 executed by Smt. Gowramma and Smt. Bylamma, the learned Single Judge held as under:

“126. During the course of arguments, to a specific query as to how H.R.Suresh got possession, it was stated that Gowramma and Bylamma were in possession and they had handed over the possession.

127. This reply cannot obviously be acceptable since Gowramma and Bylamma in their application seeking resumption themselves had requested the Assistant Commissioner to restore the lands in their favour. It is therefore obvious that H.R. Suresh has used the sale deed executed in his favour to secure possession to himself without even verifying whether A.J.James, his wife and others had been dispossessed in accordance with law pursuant to the order of resumption that had been passed by the Assistant Commissioner. It would therefore also be necessary to impose exemplary costs on H.R. Suresh in a sum of Rs.5,00,000/- (Rupees Five Lakhs) for taking law into his own hands and dispossessing A.J.James and his wife, and also the wife and children of B.M.Govindaraju. Ordered accordingly.”

44. As noticed by the learned Single Judge, it was claimed by the predecessor in title of the appellants [namely Smt. Gawramma and Smt. Bylamma] that they had handed over possession of the property to the appellant/writ petitioner upon execution of the Sale Deed dated 14.10.2015. However, there is no material on record to indicate that, consequent to the Assistant

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Commissioner, having ordered for resumption of lands vide order dated 02.09.2014, any proceedings were initiated by the said Smt. Gowramma and/or Smt. Bylamma, as contemplated under law for being put in possession of the property, the resumption of which was ordered. On the other hand, there is abundant material on record to demonstrate that the appellant/writ petitioner has forcibly taken possession of property from the private respondents and also caused damage to the farmhouse constructed by Sri. A.J.James and his wife, Smt. Ancy James. Having regard to the said factual matrix, no ground has been made out by the writ petitioner/appellant in the appeals filed by him to interfere with the order of the learned Single Judge in imposing costs.

45. The writ petitioner/appellant has failed in demonstrating that the order of the learned Single Judge is in any manner erroneous and liable to be interfered by this Court in the present appeals.

46. Accordingly, Writ Appeal Nos.218/2025, 223/2025 and 225/2025 are dismissed. W.A.No.1343/2025 filed by the State is partly allowed to the extent specified in para 42 hereinabove.

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47. Interim applications, if any, stands disposed of.

**SD/-**  
**(VIBHU BAKHRU)**  
**CHIEF JUSTICE**

**SD/-**  
**(C.M. POONACHA)**  
**JUDGE**

ND/BS/PMP/RKM/YAN