



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR.JUSTICE R. DEVDAS

WRIT PETITION NO.12843 OF 2025(SC-ST)

BETWEEN

SRI S K JAYARAM
S/O LATE D.N. KRISHNAREDDY,
AGED ABOUT 66 YEARS,
R/AT NO.68, DOMMALURU LAYOUT,
H.A.L. MAIN ROAD,
BENGALURU 560 071.

...PETITIONER

(BY SRI. VIGNESHWAR S.SHASTRI., SR. COUNSEL FOR
SMT. AISHWARYA HEGDE M.V., ADVOCATE)

AND

- 1 . STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M.S. BUILDING, AMBEDKAR VEEDI,
BANGALORE 560 001
REP. BY ITS SECRETARY
- 2 . THE DEPUTY COMMISSIONER,
BANGALORE URBAN DISTRICT,
BANGALORE 560 009.
- 3 . THE ASSISTANT COMMISSIONER
BANGALORE NORTH SUB-DIVISION,
KANDAYA BHAVAN, K.G. ROAD,
BANGALORE -560001.

- 4 . THE THASILDAR
BENGALURU EAST TALUK,
K.R. PURAM,
BANGALORE -560036.
- 5 . SRI. MUNINARAYANAPPA
S/O LATE POOJAPPA T
SINCE DEAD BY HIS LRS.,
- 6 . SMT. GOWRAMMA
W/O LATE MUNINARAYANAPPA
AGED ABOUT 79 YEARS
- 7 . SRI. M. NATARAJ
S/O LATE MUNINARAYANAPPA
AGED ABOUT 43 YEARS
- 8 . SRI. M. HARISH
S/O LATE MUNINARAYANAPPA
AGED ABOUT 33 YEARS

RESPONDENT NO.5 TO 8 ARE R/A
KHAJI SONNENAHALLI VILLAGE
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK-560066.

- 9 . SMT. MANJULA
W/O SRI. M.S. NARAYANASWAMY
D/O LATE MUNINARAYANAPPA
AGED ABOUT 48 YEARS
R/A AMBEDKAR NAGAR
MULABAGILU TOWN
KOLAR DISTRICT-563131.

...RESPONDENTS

(BY SRI. VIKRAM HULIGOL., SENIOR COUNSEL FOR
SRI. Y.ESHWARAPA., ADVOCATE FOR C/R6 & R5
TO R8
SMT. NAVYA SHEKHAR, AGA FOR R1 TO R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ORDER DTD. 24.03.2025 PASSED IN P.T.C.L.NO.03/2025 BY THE DEPUTY COMMISSIONER /R-2 AS PER ANNEX-F CONFIRMING THE ORDER DTD. 30.01.2024 PASSED IN K.SC.ST(BE)NO.153/2009-10 PASSED BY THE ASSISTANT COMMISSIONER / R-3 AS PER ANNEX-C AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 04.02.2026 AND COMING ON FOR PRONOUNCEMENT OF ORDERS, THIS DAY, THIS COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR JUSTICE R DEVDAS

CAV ORDER

(PER: HON'BLE MR JUSTICE R DEVDAS)

The petitioner is seeking to assail the impugned order passed by the third respondent-Assistant Commissioner, in proceedings bearing No.K.SC.ST (BE):153/2009-10 dated 30.01.2024 at Annexure 'C' and the order of the Appellate Authority - Deputy Commissioner, Bengaluru Urban District, in

proceedings bearing PTCL No.3/2025 dated 24.03.2025 at Annexure 'F'.

2. Learned Senior Counsel Sri Vigneshwar S.Shastri, appearing for the petitioner submitted that the petitioner purchased 1 acre 30 guntas of land in Sy.No.143 of Khaji Sonnenahalli Village, Bidarahalli Hobli, Bengaluru East Taluk from Smt.G.Padmavathi, under a registered sale deed dated 22.09.1988. However, the petitioner came to know of an order passed by the Assistant Commissioner in proceedings bearing No.K.SC.ST 26/1995-96 invoking Sections 4 and 5 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (hereinafter referred to as 'PTCL Act' for short) directing cancellation of the first sale transaction dated 25.10.1956 under which Smt.Basamma, W/o Mariyanna had purchased 3 acres 26 guntas of land in Sy.No.143. The petitioner

derives title through Smt.Basamma. The Assistant Commissioner had allowed the petition while directing resumption of the lands and restoration in favour of the original grantee/or his legal heirs. The Assistant Commissioner had passed the order on 15.05.1998. Since the petitioner was not impleaded as a party respondent in that proceedings, the petitioner filed an appeal under Section 5A of the PTCL Act, before the Special Deputy Commissioner, Bengaluru District, in Appeal No.SC/ST (A) 30/1998-99. The petitioner also filed an impleading application in the appeal filed by Smt.Basamma. Learned Senior Counsel submits that the impleading application filed by the petitioner in the appeal filed by Smt.Basamma was rejected by the Special Deputy Commissioner on the ground that the petitioner may prosecute and seek redressal of his grievance in the appeal filed by the petitioner. The Special Deputy Commissioner thereafter considered

the appeal filed by the petitioner, allowed the same and remanded the matter back to the Assistant Commissioner for fresh consideration, in order to afford an opportunity of hearing to the petitioner. Respondents No.5 to 8 filed W.P.No.42016/2003 calling in question the orders passed by the Special Deputy Commissioner. This Court by order dated 18.11.2008 set aside the order passed by the Special Deputy Commissioner and remanded the matter back to the special Deputy Commissioner for fresh disposal. Respondents No.5 to 8, the legal heirs of the original grantee, not being satisfied by the order passed by this Court, preferred an intra-Court appeal in W.A.No.2325/2008 and the Division Bench modified the order passed by this Court while remanding the matter back to the Assistant Commissioner for fresh disposal.

3. Pursuant to the order of remand, the Assistant Commissioner passed the impugned order at Annexure 'C' dated 30.01.2024 affirming the earlier order passed by the same authority in K.SC.ST. No.26/1995-96 dated 15.05.1998 and cancelled the registered sale deed dated 22.09.1988 under which the petitioner herein acquired title over 1 acre 30 guntas of land in Sy.No.143, while further directing resumption and restoration of the lands in favour of the original grantee/or his legal heirs. The appeal preferred by the petitioner before the Deputy Commissioner was also dismissed by the impugned order at Annexure 'F' dated 24.03.2025.

4. Learned Senior Counsel Sri Vigneshwar S.Shastri, submitted that the Assistant Commissioner and the Deputy Commissioner have fallen in error in passing the impugned orders on the ground that the findings of the authority have attained finality in the

proceedings initiated at the hands of Smt.Basamma. Learned Senior Counsel points out to the order passed by this Court in W.P.No.42016/2003 where similar contentions were raised and this Court held that the decision rendered in the case of Smt. Basamma is confined to the sale deed executed in favour of Smt.Basamma and the petitioner is unconcerned with that sale transaction and therefore, the matter was remanded back to the Special Deputy Commissioner to reconsider the case of the petitioner. The Hon'ble Division Bench, however modified the said order and remanded the matter back to the Assistant Commissioner. In this background, it is submitted that the respondent authorities were required to give an independent finding insofar as the sale transaction of the petitioner is concerned and they could not have fallen back on the earlier orders passed in the case of Smt.Basamma. Moreover, the petition under Sections

4 and 5 of the PTCL Act, was filed by the contesting respondents in the year 1995-96, after a lapse of nearly 17 years after the Act came into force. Therefore, the petition was required to be dismissed on the ground of delay and laches, having regard to the judgments of the Hon'ble Supreme Court commencing from ***Nekkanti Rama Lakshmi Vs. State of Karnataka And Another (2020) 14 SCC 232.***

5. Per contra, learned Senior Counsel Sri Vikram Huilgol, appearing for the contesting respondents submitted that there cannot be diametrically opposite orders or findings in respect of the same facts. It is submitted that the decision rendered in the case of Smt.Basamma includes the land purchased by the petitioner herein. The petitioner has derived title through Smt.Basamma. It is submitted that the petitioner cannot deny the fact that Smt.Basamma

had purchased 3 acres and 26 guntas of land in Sy.No.143 and out of the said 3 acres and 26 guntas, the petitioner has subsequently purchased 1 acre and 30 guntas and the title is derived through the sale transaction of Smt.Basamma. Such being the position, the findings of the respondent authorities in the case of Smt.Basamma that 6 acres and 15 guntas of land were granted in favour of Sri T.Poojappa in the year 1947; that Sri Poojappa belonged to Scheduled Caste community and after the death of Sri Poojappa, his widow along with minor sons sold 3 acres and 26 guntas of land in favour of Smt.Basamma under registered sale deed dated 25.10.1956, in violation of the conditions of grant and accordingly, the said sale transaction dated 25.10.1956 was declared void and cancelled in terms of the provisions of the PTCL Act. The orders passed by the competent authorities under the PTCL Act were affirmed at the hands of this Court

in W.P.No.31871/2000 dated 24.07.2003. Such being the position, no orders to the contrary can be passed in favour of the petitioner. The sale deed of Smt.Basamma includes the property purchased by the petitioner. Therefore, there cannot be a different finding in the case of the petitioner, insofar as the position of law is concerned.

6. In the same vein, the learned Senior Counsel submits that question of applying the judgment of the Hon'ble Supreme Court in the case of ***Nekkanti Rama Lakshmi*** (supra) to the present facts and circumstances of the case would not arise. It is submitted that the finding of the authorities have attained finality at the hands of this Court in W.P.No.31871/2000, by order dated 24.07.2003, long before the judgment in ***Nekkanti Rama Lakshmi*** was rendered by the Hon'ble Supreme Court.

Therefore, question of applying the said decision to the facts of this case would not arise.

7. Heard learned Senior Counsel Sri Vigneshwar S.Shastri, for the petitioner, learned Senior Counsel Sri Vikram Huilgol, for the contesting respondents, learned AGA for the respondent-State and perused the petition papers.

8. Although it is true that in W.P.No.31871/2000, where the petitioner herein is respondent No.5 and I.A.No.1/2003 filed by the petitioner herein in the said writ petition for impleadment was considered by this Court and this Court held that the claim of the writ petitioner therein and the impleading applicant are in respect of different properties and therefore, the application for impleadment was rejected granting liberty to the petitioner herein to workout his rights in the appeal

pending before the appellate authority, nevertheless, this Court is of the considered opinion that there cannot be divergent opinions in the case of the petitioner, when compared to that of Smt.Basamma. Having regard to the position of law as it stood when the case of Smt.Basamma was decided, this Court has clearly held that there cannot be any infirmity in the finding of the respondent authorities. This Court has held that having regard to the provisions contained in Section 4(1) of the PTCL Act, the sale transaction dated 25.10.1956 was held to be in violation of the conditions of grant. The sale deed dated 25.10.1956 having been voided and the lands purchased under the said sale deed having been directed to be resumed and restored in favour of the original grantee/or his legal heirs, the same would cover the sale transaction dated 22.09.1988 which was executed in favour of the petitioner.

9. The present case stands covered having regard to the legal maxim ***nemo dat quod non habet*** i.e., no one can transfer a better title than what he himself possesses. The Hon'ble Supreme Court, the case of ***M.Yashwanth Shenoy Vs. Muniyappa and Others (2016) 1 SCC 657*** has held, while applying the above said legal maxim and having regard to the provisions of the PTCL Act, that the first transfer being void for being in violation of statutory bar and conditions of grant, subsequent transfers are also void *ab initio*.

10. Sub-section (1) of Section 4 provides, while commencing with a non obstante clause, notwithstanding anything in any law, agreement, contract or instrument, any transfer of granted land made either before or after the commencement of the Act, in contravention of the terms of the grant of such land, 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. The deeming provision takes care of all the subsequent transactions following the cancellation of the first sale transaction. Further, sub-section (1) of Section 5 provides that where 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, by order take possession of such land after evicting all persons in possession thereof in such manner as may be prescribed. Thereafter, the lands will be restored to the original grantee or his legal heir. That being the position, the respondent authorities are right in rejecting the petition and appeal filed by the petitioner, on the ground that the first sale transaction of Smt.Basamma has been duly cancelled and such cancellation has been upheld at the hands of this

Court. All subsequent transactions are deemed to have been cancelled.

11. Having regard to the chronology of events, and having regard to the fact that the sale transaction of Smt.Basamma, the predecessor-in-title to the petitioner was duly cancelled and the said declaration having attained finality at the hands of this Court in the year 2003, question of applying the decision in ***Nekkanti Rama Lakshmi***, of the year 2017, to the facts and circumstances of the present case, would not arise.

12. For the reasons stated above, this Court is of the considered opinion that the impugned orders passed by the Assistant Commissioner and the Deputy Commissioner cannot be faulted. Accordingly, the writ petition stands ***dismissed***.

13. In view of the disposal of the writ petition,
pending I.As., stand disposed of accordingly.

**Sd/-
(R. DEVDAS)
JUDGE**

JT/-
CT: JL