NC: 2025:KHC-D:9462
WP No. 103930 of 2025

HC-KAR

**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**

**DATED THIS THE 31ST DAY OF JULY 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO.103930 OF 2025 (KLR-RES)**

**BETWEEN:**

SARASWATI W/O. LUMA NAIK,
(SINCE DECEASED BY HER LRS).

1. SURYAJI S/O. LUMA NAIK,
AGE: 37 YEARS, OCC: AGRICULTURE,
R/O: 257 AMTE, TALUKA: KHANAPUR,
BELAGAVI – 591 345.

3. NARAYAN S/O. LUMA NAIK,
AGE:31 YEARS,
OCC: AGRICULTURE,
R/O: 257 AMTE,
TALUKA: KHANAPUR,
BELAGAVI – 591 345.

3. LUMA S/O. SUKADA NAIK,
AGE: 78 YEARS,
OCC: AGRICULTURE,
R/O: 257 AMTE,
TALUKA: KHANAPUR,
BELAGAVI – 591 345.

…PETITIONERS

(BY SRI. PRASHANT F. GOUDAR, SRI. ASHRITH PATIL,
SMT. PALLAVI VARDHAMANE &
SMT. SHEETAL V. KILLEKAR, ADVOCATES)

**AND:**

THE TAHSILDAR, KHANAPUR,
TALUKA KHANAPUR,
DIST: BELAGAVI – 591 302.

…RESPONDENT

(BY SRI. T. HANUMAREDDY, AGA)

GIRIJA A. BYAHATTI
Digitally signed by GIRIJA A. BYAHATTI
Date: 2025.08.01 15:09:12 +0530

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI SEEKING THE QUASHING OF THE ORDER DATED 23.02.2023 BEARING NO. SR. NO. KLR.CR.195/2022-23 VIDE ANNEXDURE-A TO THE EXTENT OF, RESTRICTING THE PETITIONERS FROM ALIENATING THE AGRICULTURAL LANDS GRANTED WITHOUT OBTAINING PERMISSION FROM COMPETENT AUTHORITY AND FURTHER DIRECTING FOR EFFECTING THE SAID ENTRY IN COLUMN NO. 11 OF RTC EXTRACT OF SY. NO. 166A/1 SITUATED AT KHANAPUR, JAMBOTI VILLAGE, BELAGAVI DISTRICT AND ETC.,

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

**ORAL ORDER**

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The petitioners are before this Court seeking for the following reliefs:

   *i. Issue a Writ in the nature of certiorari seeking the quashing of the order dated 23.02.2023 bearing no. Sr. No. KLR. CR. 195/ 2022-23 vide Annexdure-A to the extent of, restricting the petitioners from alienating the agricultural lands granted without obtaining permission from competent authority and further directing for effecting the said entry in column no. 11 of rtc extract of SY. No. 16A/1 situated at Khanapur, Jamboti village, Belagavi District.*

   *ii. Issue any such Order/Writ/direction which this Hon'ble Court deems fit and necessary in the interest of justice and equity.*

2. The contention of the petitioners is that, one Sri.Mathru Uma Naik, being a landless labourer, had

filed an application for grant of 10 acres of land before the Land Tribunal, Khanapur, in furtherance of the same, land to an extent of 10 acres in R.S.No.166A/1 of Amate Village of Khanapur Taluk. The purchase price having been paid on 31.01.1977, an agreement came to be executed on 03.02.1977 between the Government and the grantee in respect of payment of land revenue, insofar as the land is concerned.

3. The original grantee having expired in the year 1982, leaving behind his daughter Saraswati, wife of Luma Naik, she filed an application before the authorities to enter her name in the revenue records, which came to be entered on 08.12.1982. An application was again filed by the said Saraswati Naik on 30.01.2022 for removing the 'new and undivided' clause, being a condition which had been imposed under column 11.

4. Before the said application was considered, Saraswati, wife of Luma Naik, expired in the year 2023. The Revenue Inspector thereafter conducted an enquiry

and submitted a report on 21.10.2023, stating that the land is a granted land.

5. The respondent thereafter, on the ground that the petitioner original grantee belonged to the Scheduled Tribe community, being of the opinion that land having been granted to a person belonging to a Scheduled Tribe, would come within the purview of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 ('PTCL Act', for short), imposed a condition of non-transfer. It is challenging this order that the petitioner has approached this Court.

6. Learned counsel for the petitioners submits that the grant of land in the present matter, not being a grant in favour of a Scheduled Tribe person, but to a landless labourer, would not come within the purview of the PTCL Act, as held by the Full Bench of this Court in the case of ***Mohammed Jaffar and another v.***

***State of Karnataka***[1], which has been followed in various judgments.

7. Learned AGA, however, seeks to support the order.

8. Heard Sri.Prashant F. Goudar, learned counsel for the petitioners and Sri. T. Hanumareddy, learned AGA for the respondent. Perused the papers.

9. It is clear from the grant which has been made that the grant was to a landless labourer under Section 77(1)(iii) of the Karnataka Land Reforms Act, 1961, by the Land Tribunal, on an application having been made. Merely because the petitioner original grantee belongs to the Scheduled Tribe would not make the grant amenable to the PTCL Act. It is only if a grant is made under a particular enactment contemplated under the PTCL Act that the said PTCL Act would apply, and not otherwise.

10. In that view of the matter, I pass the following:

[1] ILR 2002 KAR 4693

ORDER

i. Writ Petition is **allowed**.

ii. A writ of certiorari is issued, order dated 23.02.2023 bearing No.Sr.No.KLR:CR:195/2022-23 at Annexure-A is quashed.

iii. The condition imposed in the order dated 23.02.2023 at Annexure-A, imposing an obligation on the petitioner to obtain permission from the competent authority before the alienation of the property, and the entry made in column No.11 of the RTC in respect thereof, is quashed.

iv. The respondent is directed to delete the said entries, if any, and issue fresh RTC to the petitioners.

**SD/-**
**(SURAJ GOVINDARAJ)**
**JUDGE**

gab
CT-ASC
List No.: 1 Sl No.: 44