

R

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 22ND DAY OF DECEMBER 2006

BEFORE

THE HON'BLE MR. JUSTICE V GOPALA GOWDA

AND

THE HON'BLE MR. JUSTICE H BILLAPPA

WRIT PETITION No.20331/2004(KLR-RES)

C/w

W.P Nos.7332/2004, 10303/04, 12024/04, 12094/04,
14771/04, 14858/04, 15614/04, 16833/04, 17883/04,
20678/04, 22145/04, 25372/04, 26218/04, 32203/04,
36796/04, 10305/04, 21620/2005(KLR-RES)

In W. P No.20331/04:

BETWEEN

B R VASUDEVAMURTHY
S/O H D RAMASWAMY
No 13 17TH CROSS
SIDDASHARMA ROAD
MALLESWARAM
BANGALORE 560 003

...PETITIONER

(BY SRI G. KRISHNAMURTHY &
SRI SAMPATH BAPAT-ADV)

A n d

1 HON'BLE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001

2 STATE OF KARNATAKA
DEPT OF REVENUE

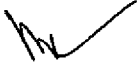


MS BUILDING
BANGALORE 560 001
REP. BY SECRETARY TO THE
REVEUE DEPARTMENT

- 3 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
BANGALORE
- 4 THE ASSISTANT REVENUE OFFICER
BANGALORE MAHANAGARA PALIKE
MADIVALA SUB-DIVISION
LIC COLONY BANGALORE
- 5 S NAGARAJ
S/O LT. SRINIVAS RAO
VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- 6 V VENKOGI RAO
S/O LT. A SRINIVASA RAO
VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- 7 S NARAHARI RAO
VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- 8 KENDRA UPADYAYARA SANGHA
No 24 SUBRAMANYA SHETTY ROAD
BASAVANAGUDI BANGALORE 560 004
REP. BY ITS GENERALSECRETARY...RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-3
SRI ASHOK HARNAHALI-ADV FOR R4
SRI V LAKSHMINARAYANA-ADV FOR R5-8
SRI N.N.MADHUSUDHAN-ADV FOR R8)

This Writ Petition is filed under Articles 226 and
227 of the Constitution of India praying to quash the
order dt.22/12/2003 passed by R1 vide Annexure-E



and the order at No.ARO(M)P.R:857:03-04 dt.6/3/2004
vide Annexure-F passed by R4 etc.

In W.P No.7332/04:

BETWEEN

TEACHERS COLONY RESIDENTS
ASSOCIATION
No 114 TEACHERS COLONY
KORAMANGALA POST
BANGALORE 560 043
REPR. BY ITS SECRETARY
L V HENRY ...PETITIONER

IMP APPLS. IN LA II/05

- 1 RUTH MERCY ROY
D/O LT. J C VIRGINIA
R/A No 983 B-27 BDA FLATS
AUSTIN TOWN 2ND STAGE
BANGALORE 560 047
 - 2 A SHESHAMMA
W/O P RAGHAVENDRA HANDE
No 857 2ND CROSS
CHANNEKESHAVA NAGAR
ELECTRONIC CITY POST
BANGALORE 560 100
 - 3 ARUN PRASATH S RAMA MOORTHY
S/O S R RAMAMOORTHY
REEMA DASH
W/O ARUN PRASATH S RAMA MOORTHY
BOTH ARE R/A FLAT No 4
GROUND FLOOR AAKARSHANA ENCLAVE
PAPIAM REDDY LANE NEW THIPPASANDRA
HAL III STAGE
BANGALORE 560 075
 - 4 SYED HAMEED
S/O SYED PEERAN
No 87 II BLOCK 4TH CROSS
KORAMANGALA
BANGALORE 560 034
- 

- 5 SUJATHA
W/O A CHANDRASHEKAR
No 24 "CHANDRA" I AVENUE
TEACHERS COLONY
KORAMANGALA
BANGALORE 560 034
 - 6 SABU GOERGE THOMAS
S/O LT. P J THOMAS
R/A No 2952 19TH MAIN
6TH CROSS HAL II STAGE
AIRPORT ROAD
BANGALORE 560 008
 - 7 MOHAMMOD PASHA
S/O KADAR PASHA
No 16 NALBANDWADI
MANAGER RANGANNA LANE CROSS
BANGALORE 560 003
REPR BY ITS GPA HOLDER
R PURSHOTHAM
 - 8 N PRASANNA
S/O R NARAYANAN
No 325 SHRINIKET APARTMENT
M S RAMAIAH COLLEGE ROAD
MATHIKERE BANGALORE 560 054
 - 9 DAKSHAYANI
W/O LT. VINAYAK SUBRAYA NAIK
No A1-3 J B COMPLEX
DHAM CO-OP HG. SOCIETY
CHITARANJAN DAS ROAD
RAMNAGAR DOMBIVILI (EAST)
421 201 MAHARASTRA
 - 10 GURUMURTHY
S/O G KRISHNAPPA SHETTY
No 17 & 18 10TH CROSS
MUNI REDDY BLOCK
MARUTHINAGAR
MADIWALA NEW EXTENSION
BANGALORE 560 068
 - 11 P RAGHUVENDAN GUPTA
S/O LT. P ASWATHANARAYANAIAHA
- 

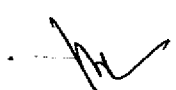
No 476 "YADUKIRTI"
7TH MAIN 33RD CROSS
4TH BLOCK JAYANAGAR
BANGALORE 560 011

- 12 GANGAPPA
S/O BOREGOWDA
No 791 E 1ST CROSS 3RD MAIN
VIJAYANAGAR II STAGE
BANGALORE 560 040
- 13 N GURUDATH
S/O V NARAYANA MURTHY
No 116/3 II MAIN 4TH CROSS
BASAPPA LAYOUT
GAVIPURAM EXTENSION
BANGALORE 560 019
- 14 REGINA
W/O JOHN METHREW
No 360 TEACHERS COLONY
KORAMANGALA POST
BANGALORE 560 034
- 15 RATNA V RAMAN
W/O R VENKATARAMAN
R/A No 83 3RD CROSS
HUTCHINS ROAD
THOMAS TOWN
BANGALORE 560 084
- 16 A JAYANTH
S/O Y R ACHOTA RAO
R/A No 175 TEACHERS COLONY
KORAMANGALA POST
BANGALORE 560 034
- 17 R M NARENDRA
S/O MARIKALE GOWDA R B
No 489 "AMMA" 15TH B CROSS
SECTOR 4 HSR LAYOUT
BANGALORE 560 034
- 18 RUBI THOMAS
D/O P M THOMAS
No 5 1ST CROSS ROAD
- 

NTI LAYOUT RMV EXTN.
II STAGE BANGALORE 560 094

- 19 C ANTONY SWAMY
S/O CHINNAPPA
SHARMEELA ANTONY
W/O ANTONY SWAMY
BOTH ARE R/A No 281
BLOCK No 2 CPWD QUARTERS
KORAMANGALA
BANGALORE 560 034
 - 20 SANDHYA J SHETTY
W/O JAYA S SHETTY
R/A No 1314-a 28TH MAIN
1ST PHASE J P NAGAR
BANGALORE 560 078
 - 21 N PADMAVATHI
D/O K NARAYANA SETTY
No 44 NEW No 320 3RD MAIN
19TH CROSS
JAYANAGAR VI BLOCK
BANGALORE 560 011
 - 22 S VENKATALAKSHAMMA
W/O LT. M P NARASIMHA MURTHY
No 1477 SOUTH END 'B' MAIN ROAD
9TH BLOCK JAYANAGAR
BANGALORE 560 069
 - 23 R SATHYANARAYANA RAO
S/O LT. H V RAMACHANDRA RAO
No 225 19TH MAIN
BTM II STAGE
BANGALORE 560 076
 - 24 HENRY FRANCIS D'SOUZA
S/O LT. J D'SOUZA
No 10 2ND CROSS 4TH 'C' BLOCK
8TH MAIN KORAMANGALA
BANGALORE 560 034
 - 25 RAHMAT UNNISA M H
W/O MHAMMED RAFI
R/A No 28/ 1(96) 13TH CROSS
- 

PADARAYANAPURA
BANGALORE 560 026

- 26 KUM RASHMI
D/O B S JAYANTHI GYANTH
No S-9 HAL TOWNSHIP
BEHIND HAL POLICE STATION
BANGALORE 560 037
(REPR. BY HER NATURAL
GUARDIAN/FATHER
B S JAYANTHI GYANTH)
- 27 L V HENRY
S/O LT. T M VIRGAS
No 164 TEACHERS' COLONY
KORMANGALA POST
BANGALORE 560 034
- 28 LEELAMBA KOTTURAPPA
D/O LT. MARALAPPA
No 12/ 12 KARNIK ROAD
SHANKARAPURAM
BANGALORE 560 004
(REPR. BY ITS GPA HOLDER
B G CHANDRA SHEKAR)
- 29 MOHAMMED SHABBIER
S/O LT. ABDUL AZEEZ
R/A No 224/ 1 NEW GURUPPANA PAEGA
BANNERGHATTA ROAD
BANGALORE 560 029
- 30 CHAMPAKAVALLI
W/O R S KRISHNA MURTHY
R/A No 10/4 CAR STREET
GANESH MANDIR COMPOUND
II BLOCK THYAGARAJNAGAR
BANGALORE 560 028
- 31 M SRIVIKRAMAN
S/O G MURAHARI
R/A No 386 5TH MAIN
HAL II STAGE BANGALORE 28
- 32 V.YUVA RAJ
S/O M G VENKATAPATHI
- 

Y VARALAKSHMI
W/O V YUVA RAJ
BOTH ARE R/A 10/4
CAR STREE GANESH MANDIR COMPOUND
II BLOCK THYAGARAJA NAGAR
BANGALORE 560 028

33 E L MALLANAGOUDAR
S/O LOKAPPA
R/A No 124 II CROSS 19TH MAIN
6TH BLOCK KORAMANGALA
BANGALORE 560 034

34 PATRICK PEREIPA
S/O ANTHONY PEREIRA
R/A No 183 KHB COLONY
(GROUND FLOOR) KORAMANGALA
BANGALOE 560 034
REPR. BY GPA HOLDER
G S RAMAMURTHY

35 DEVANUR VENKAT HARISH
S/O DEVANUR
VENKAT NARASIMHAIAH
S F No 1 V V APARTMENTS
No 1 COUNTER ROAD
NEAR D G HOSPITAL
PADMANABHANAGAR
BANGALORE 560 070
REPR BY GPA HOLDER
D V NARASIMHAIAH

36 MALAVIKA CHADDA
W/O BALBIR SINGH SALVJA
R/A No 402 4TH FLOOR
SUMMITT APARTMENTS
5-10-188/2 HILLS FORT ROAD
HYDERABAD 500 004

37 B E DAYANANDA
S/O C P ESHWARAIAH
No 44/6 5TH CROSS
KAMAKYA LAYOUT
BSK III STAGE
BANGALORE 560 085.



IMP APPLS. IN IA III/05

- 1 PRASHANTHA H PRABHU
S/O B HANUMANTHA PRABHU
R/A No 29 5TH MAIN
TEACHERS COLONY KORAMANGALA
ABOVE MANJUNATHA JEWELERS
BANGALORE 560 047
- 2 STANISLAUS D SOUZA
S/O LT. J B R D' SOUZA
C/O C PINTO R/A No 1/40-2
4TH CROSS EMERALD ISLE
NEAR SRINIVASA TEMPLE
MARUTHI NAGAR MADIVALA
BANGALORE 560 068

IMP APPL. IN IA IV/05

- 1 SABIHA ALEEM
W/O SYED ABDUL ALEEM
R/A No 676 I STAGE
INDIRA NAGAR
BANGALORE 560 038

IMP APPLS. IN IA V/05

- 1 C FRANCIS
S/O CHINNAPPA
R/A No 955 24TH 'A' CROSS
16TH MAIN III SECTOR
H S R LAYOUT BANGALORE 34
 - 2(a) V K KAMALAM
W/O N GOPINATHAN
 - (b) N G ANIL KUMAR
S/O N GOPINATHAN
REPR BY ITS GPA HOLDER
N GOPINATHAN
 - (c) N G ARUNKUMAR
S/O N GOPINATHAN
ALL ARE R/A No C-6
- 

SURVEY COLONY II BLOCK
KORAMANGALA
BANGALORE 560 034

IMPL. APPL. IN IA VI/05

- 1 MOORTHY MAHADEVAN
S/O LT. V MAHADEVA IYER
R/A No 382 TEACHERS COLONY
KORMANGALA POST
BANGALORE 560 047
- 2 APARNA
W/O T G SATEESH
R/A No 51-3-13
9TH MAIN THRINETRA
SARAKKI MAIN GATE
KANAKAPURA MAIN ROAD
J P NAGAR FIRST PHASE
BANGALORE 560 075

IMPL. APPL. IN IA VII/05

- 1 RATHNAVATHI
W/O T LOKAYYA GATTY
R/A No A 129/1 KPWD QUARTERS
JEEVAN BIMA NAGAR
BANGALORE 560 075

IMPL. APPL. IN IA I/06

- 1 T R RAMAKRISHNA
S/O T RAMASWAMY
R/A No 115/1
TEACHERS COLONY
BANASHANKARI II STAGE
BANGALORE 560 070

(BY SRI U.L.BHAT-Sr. ADV FOR
SRI R.BHADRI-ADV FOR
M/S. SOUTHERN LAW ASSOCIATES FOR PETITIONER
§ IMPEADING APPLICANTS)



And

- 1 THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 2 THE UNDER SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 3 THE HON'BLE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
 - 4 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE DISTRICT
BANGALORE
 - 5 THE ASSISTANT REVENUE OFFICER
BANGALORE MAHANAGARA PALIKE
BANGALORE
 - 6 S NAGARAJ
S/O LT. SRINIVAS RAO
VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
 - 7 V VENKOJI RAO
S/O LT. A SRINIVASA RAO
VENKATAPURA
KORAMANGALA POST
BANGALORE
 - 8 S NARAHARI RAO
VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- ...RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-3
SRI V LAKSHMINARAYANA-ADV FOR R5-7)



- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the impugned order dt.22/ 12/2003 passed by R3 vide Annexure-Q and the Notification at No.INACR.9/99-2000 vide Annexure-R passed by R4 etc.

In W.P No.10303/04:

BETWEEN

- 1 UMESH D GIRIYAN
S/O DEVADAS GIRIYAN
 - 2 NARENDRA D GIRIYAN
S/O DEVADAS GIRIYAN
BOTH ARE R/A No 324
5TH MAIN 4TH CROSS
TEACHERS COLONY
KORAMANGALA
BANGALORE
- ...PETITIONERS

(BY SRI M.S.BHAGWATH-ADV)

And

- 1 HON'BLE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
 - 2 THE STATE OF KARNATAKA
DEPT OF REVENUE(LAND GRANTS)
REP. BY ITS SECRETARY
M S BUILDING
BANGALORE 560 001
 - 3 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
BANGALORE
 - 4 THE ASSISTANT REVENUE OFFICER
BANGALORE MAHANAGARA PALIKE
MADIVALA SUB-DIVISION
- 

LIC COLONY BANGALORE

- 5 S NAGARAJ
- 6 V VENKOJI RAO
- 7 S NARAHARI RAO
R5-7 S/O A SRINIVASA RAO
R/A No 28 VENKATAPPA LAYOUT
KORAMANGALA
BANGALORE
- 8 KENDRA UPADYAYARA SANGHA(R)
REP. BY ITS
GENERAL SECRETARY
No 24 SUBRAMANYA SHETTY ROAD
BASAVANAGUDI
BANGALORE 560 004 ...RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-3
SRI ASHOK HARNAHALI-ADV FOR R4
SRI V LAKSHMINARAYANA-ADV FOR R5-7
SRI N.N.MADHUSUDHAN-ADV FOR R8)

- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order dt.22/12/2003 vide Annexure-A No.Nil24/2/04 bearing No.RD/137/LGG/99(Annexure-B) and 6/3/04 (Annexure-C) Sq-KAM-A(P.R.857/03-04 passed by R1, 2, 4 and etc.

In W.P No.12024/04:

BETWEEN

- 1 KARNESH KUMAR H S
S/O H S SURYA NARAYANA SETTY
R/A No301 4TH AVENUE
TEACHERS COLONY
KORAMANGALA 1ST BLOCK
BANGALORE 560 034
 - 2 S PUSHPALATHA
W/O N SHIVANNA
- 

R/A No 45 2ND MAIN ROAD
BIKASIPURA
SUBRAMANYAPURA POST
BANGALORE 560 061

- 3 R RAJINI
W/O V RAMASWAMY
R/A 241 3RD AVENUE
6TH MAIN TEACHERS COLONY
KORAMANGALA
BANGALORE 560 034
 - 4 K SADASHIVA
S/O KENCHAPPA
R/A no.304/39 YEDIYUR
JAYANAGAR 7TH BLOCK
BANGALORE 560 082
 - 5 K B SANGEETHA
W/O S SATISH
R/A No 412 2ND CROSS
5TH MAIN BSK III STAGE
III PHASE II BLOCK
BANGALORE 560 085
 - 6 D RAJENDRA BABU NAIDU
S/O SUBBAIAH NAIDU
R/A HOSUR TAMIL NADU
 - 7 V ARUMUGAM
S/O VATHAN
R/A No 92 B-4 KARAM VIV
TOKAS HOUSE MUNIRKA
J N U POST NEW DELHI 110 067
 - 8 T T HEMALATHA
W/O T V KRISHNE GOWDA
R/A No 16 3RD BLOCK
KSRP OFFICES QUARTERS
GANGA SANKIRANA
SARJAPUR ROAD
BANGALORE 560 034
 - 9 K SUBRAMANYAM
S/O T KANDASWAMY
- 

R/A No 178 9TH CROSS
29TH MAIN BTM II STAGE
BANGALORE 560 078

...PETITIONERS

(BY SRI P.KRISHNAPPA-ADV)

A n d

- 1 THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 2 THE UNDER SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 3 THE HON'BLE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
 - 4 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE DISTRICT
BANGALORE
 - 5 S NAQARAJ
S/O LT. SRINIVAS RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
 - 6 V VENKOJI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
 - 7 S NARAHARI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST BANGALORE
- 

- 8 THE COMMISSIONER
BMP BANGALORE
- 9 ASSISTANT REVENUE OFFICER
MADIWALA SUB DIVISION
BANGALORE MAHANAGARA PALIKE
LIC COLONY BYRASANDRA
BANGALORE
- 10 KENDRIYA UPADYAYARA SANGHA(R)
REP. BY ITS
GENERAL SECRETARY
No 24 SUBRAMANYA SHETTY ROAD
EASAVANAGUDI
BANGALORE 560 004 ...RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-4
SRI ASHOK HARANAHALLI ADV FOR R8-9
SRI V LAKSHMINARAYANA-ADV FOR R5-7)

- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the impugned order dt.22/12/2003 passed by R3 vide Annexure-Q, the Notification at No.INACR.9/99-2K dt.7/2/2004 vide Annexure-R passed by R4 and order bearing No.AS.KUM.A.(M)(PR)857/03-04 dt.6/3/04 at Annexure-T by r9 etc.

In W.P No.12094/04:

BETWEEN

- 1 VIJAYA PRASANNA
W/O PRASANNA
R/A No 10 ATHREYA
KATHRIGUPPE MAIN ROAD
BANASHANKARI III STAGE
BANGALORE 560 085
 - 2 ABDUL RASHEED
S/O LT. ABDUL KHYOOM
R/A No 918 II BLOCK JAYANAGAR
BANGALORE 560 11
- 

- 3 MUNIRAJU K
 S/O KRISHNA
 R/A 2/7 26TH MAIN 39TH CROSS
 9TH BLOCK JAYANAGAR
 BANGALORE 560 011
- 4 SRIMATHIYAMMA H G
 R/A H 644 BRINDAVAN 6TH MAIN
 7TH CROSS HANUMANTHANAGAR
 BANGALORE 560 019
- 5 T R UMADEVI
 W/O JAGADEESHAN K D
 R/A No 7 I FLOOR 8TH CROSS
 VENKATAPURA KORAMANGALA
 EXTENSION BANGALORE 560 034
- 6 SUDARSHANA E
 S/O RAMESH UPADHYAYA
 No 68 I FLOOR 4TH CROSS
 17TH MAIN AICCOOBONAGAR
 BTM I STAGE BANGALORE
- 7 VARALAKSHMI
 W/O D YUVARAJ
 R/A CHINNAMATARAPALLI VILLAGE
 TQ KRISHNAGIRI
 DHARMAPURI TAMILNADU
- 8 C V ADITHYA
 S/O C V NAGABHUSHAN RAO
 No 388 5TH MAIN 5TH AVENUE
 TEACHERS COLONY
 BANGALORE 560 034
- 9 POORNIMA
 W/O RAJEEV SHETTY
 R/A No 173/360 16TH MAIN
 4TH 'T' BLOCK JAYANAGAR
 BANGALORE 560 041 ...PETITIONERS

(BY SRI PADUBIDRI RAGHAVENDRA RAO-ADV)



A n d

- 1 STATE OF KARNATAKA
 REPR. BY THE SECRETARY TO
 GOVERNMENT OF KARNATAKA
 REVENUE DEPARTMENT
 M S BUILDING
 VIDHANA SOUDHA
 BANGALORE 560 001
- 2 THE HON'BLE MINISTER FOR REVENUE
 GOVERNMENT OF KARNATAKA
 VIDHANA SOUDHA
 BANGALORE 560 001
- 3 DEPUTY COMMISSIONER
 BANGALORE DISTRICT
 BANGALORE
- 4 KENDRIYA UPADYAYARA SANGHA(R)
 No 24 SUBRAMANYA SHETTY ROAD
 BASAVANAGUDI
 BANGALORE 560 004
- 5 S NAGARAJ
 S/O LT. SRINIVAS RAO
 R/A VENKATAPURA VILLAGE
 KORAMANGALA POST
 BANGALORE
- 6 V VENKOJI RAO
 S/O LT. A SRINIVASA RAO
 R/A VENKATAPURA VILLAGE
 KORAMANGALA POST
 BANGALORE
- 7 S NARAHARI RAO
 S/O LT. A SRINIVASA RAO
 R/A VENKATAPURA VILLAGE
 KORAMANGALA POST
 BANGALORE ...RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-3
SRI M.N.MADHUSUDHAR-ADV FOR R4
SRI V LAKSHMINARAYANA-ADV FOR R5-7)



This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the impugned order dt.22/ 12/2003 passed by R2 vide Annexure-A etc.

In W.P No.14771/04:

BETWEEN

- 1 R UMADEVI
D/O K RAMAIAH
GPA HOLDER REPR. BY
K RAMAIAH No 74 1 CROSS
SHANKARAPPA LAYOUT
LALLJINAGAR
BANGALORE 560 030
 - 2 R NIRMALA
D/O K RAMAIAH
No 74 1 CROSS
SHANKARAPPA LAYOUT
LALLJINAGAR
BANGALORE 560 030
 - 3 MOHAMMED SAMIULLA
S/O MOHAMMED UMAR
No 5/6 8TH CROSS
TANK BUND ROAD
BISMILLANAGAR
BANGALORE 560 025
 - 4 M A PADMA
W/O K R SURESH
No 1302 HOSPITAL EXTENSION
BEGUR BANGALORE 560 068
 - 5 Y ASHA
No 27 7TH CROSS N R COLONY
BANGALORE 18
 - 6 K S GEETHA DEVI
W/O T S MADHAVA CHAR
No 21 3RD MAIN 8TH CROSS
RPC LAYOUT VIJAYANAGAR
BANGALORE 560 040
- 

- 7 YESHODHA SHANKAR
W/O M SHANKARAPPA
R/O 387 JAMBAVA NILAYA
23RD MAIN 2ND STAGE
BTM LAYOUT BANGALORE 76 ..PETITIONERS

(BY SRI VIVEK.S. REDDY-ADV)

A n d

- 1 THE STATE OF KARNATAKA
REPR BY ITS UNDER SECRETARY
TO DEPT OF REVENUE (LAND GRANTS)
VIDHANA SOUDHA
BANGALORE
- 2 THE DEPUTY COMMISSIONER
BANGALORE DISTRICT
BANGALORE
- 3 THE BANGALORE MAHANAGARA PALIKE
CORPORATION OFFICES
N R SQUARE
BANGALORE REPR BY ITS
COMMISSIONER
- 4 THE ASSISTANT REVENUE OFFICER
MADIWALA SUB DIVISION
BANGALORE MAHANAGARA PALIKE
BANGALORE
- 5 HON'BLE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001 ...RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1 & 2
SRI ASHOK HARANAHALLI ADV FOR R3 & 4)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the impugned order dt.22/12/2003 passed by R1 vide Annexure-H, the Order dt.7/2/2004 vide Annexure-J passed by R2 and order dt.6/3/04 at Annexure-K by R2 etc.



In W.P No.14858/04:

BETWEEN

- 1 V VISWANATH
S/O VENKATARAMANNA REDDY P
R/A HAREHALLI HUSKUR POST
VIA BOMASANDRA INDUSTRIAL AREA
TQ ANEKAL DIST BANGALORE URBAN
 - 2 K B MRUTHYANJAYAPPA
R/A No 86 14TH CROSS ASHOKNAGAR
KATTRAGUPPE MAIN ROAD
BSK 1ST STAGE
BANGALORE 560 050
 - 3 M NAGALAKSHMI
W/O M ASHOK GUPTA
R/A No 88 BABA KRUPA
CAMBRIDGE SCHOOL ROAD
PIPE LINE SRINAGAR
BANGALORE 560 050
 - 4 B CHANDRASHEKAR
S/O B V SUBBAIAH SETTY
R/A No.684 12TH CROSS
7TH BLOCK WEST JAYANAGAR
BANGALORE 560 082
 - 5 NAGARAJ MURTHY
S/O B PURSHOTHAMRAO
 - 5a B N PURUSHOTHAM
S/O LT. NAGARAJ MURTHY
 - 5b VANI B N
 - 5c VANA B N
5a & c D/O LT. NAGARAJ MURTHY
ALL ARE R/A No 1281
MANJUNATH LAYOUT
BEHIND JAYANTHI TILES FACTORY
R T NAGAR BANGALORE 560 032
- 1/11*

- 6 T.N.NIRMALA
W/O K BALASUBRAMANIAM
R/A No 2 G 6TH STREET JOGUPALYAM
ULSOOR BANGALORE 560 008
 - 7 P.V.LAKSHMAIAH
S/O VENKATASWAMAPPA
R/A SANGULLI RAYANNA ROAD
7TH CROSS V V EXTENSION
HOSKOTE
BANGALORE RURAL DISTRICT
 - 8 MALIKA BAGUM
D/O T H ABDUL KHADER
R/A No 215 6TH MAIN
OFFICIAL QUARTERS
BYRASANDRA JAYANAGAR
BANGALORE 560 011
 - 9 M-SREEDAHAR
S/O C MUNICHOWDAPPA
R/A No 572/A I MAIN ROAD
NAGENDRA BLOCK
BSK III STAGE
BANGALORE 560 050
 - 10 B-PARIMALAMMA
W/O T R RAMARAO
R/A SRI NIVA No 1 5TH MAIN
SWIMMING POOL EXTENSION
MALLESHWARAM
BANGALORE 560 003
 - 11 B.S.RAMESH
S/O B N SHESHADRI
R/A No 68 (OLD No 70)
KAMALA NILAYA III MAIN
III BLOCK THYAGARAJANAGAR
BANGALORE 560 028
REPR BY ITS GPA HOLDER
B S SHAMSUNDAR
 - 12 S.BHUVANESHARI
W/O K SHANKARA MURTHY
R/A No 334 4TH 'C' CROSS
III PHASE 5TH BLOCK
- 

BSK III STAGE
BANGALORE 560 085

13 Dr JOYTHI R
W/O RAJENDRA KUMAR
R/A No 2239 GROUND FLOOR
23RD CROSS K R ROAD
BSK III STAGE
BANGALORE 560 070

14 S SATHYANARAYANA
S/O S T SHAMANNA
R/A No 569 27TH MAIN ROAD
BTM LAYOUT II STAGE
I PHASE BANGALORE 560 076

15 FELCY HILDA D'SOUZA
W/O LT. GILBERT D'SOUZA
R/A No 7 ANJANEYA STREET
YELAGANDA PAHAYA
VIVEKNAGAR
BANGALORE 560 047

16 B M SHIVANNA
S/O LT. B V NANJAPPA
VANIYAR STREET
MARCHANT BERIKAT
TQ HOSUR DIST DHARMAPURI
TAMIL NADU

...PETITIONERS

(BY SRI R.BHADRI-ADV FOR
M/s SOUTHERN LAW ASSOCIATES)

And

1 THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001

2 THE UNDER SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001



- 3 THE HONBLE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
- 4 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE DISTRICT
BANGALORE
- 5 THE ASSISTANT REVENUE OFFICER
BANGALORE MAHANAGARA PALIKE
BANGALORE
- 6 S NAGARAJ
S/O LT. A SRINIVAS RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- 7 V VENKOJI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- 8 S NARAHARI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE ...RESPONDENTS

(BY SRI V.Y. KUMAR-AGA FOR R1-4
SRI ASHOK HARANAHALLI ADV FOR R5
SRI V LAKSHMINARAYANA-ADV FOR R6-8)

- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the impugned order dt.22/12/2003 passed by R3 vide Annexure-M, the Notification dt.7/2/2004 vide Annexure-N passed by R4 and order dt.6/3/04 at Annexure-P by R5 etc.



In W.P No.15614/04:

BETWEEN

BANGALORE DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD
KUMARA PARK WEST
BANGALORE 560 020
BY ITS COMMISSIONER ...PETITIONER

(BY SRI U ABDUL KHADER-ADV)

A n d

- 1 THE STATE OF KARNATAKA
REPR. BY THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
GOVT. OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 2 THE HON'BLE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
 - 3 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE DISTRICT
BANGALORE
 - 4 KENDRIYA UPADHYAYARA SANGHA
No 24 SUBRAMANYA SHETTY ROAD
BASAVANAGUDI
BANGALORE 560 004
REPR. BY ITS GENERAL SECRETARY
 - 5 TEACHERS COLONY RESIDENTS ASSOCIATION
No 114 TEACHERS COLONY
KORAMANGALA POST
BANGALORE 560 043
REPR. BY ITS SECRETARY
 - 6 S-NAGARAJ
S/O LT. SRINIVAS RAO
R/A No 28 VENKATAPURA VILLAGE
- 

KORAMANGALA POST
BANGALORE

- 7 V VENKOJI RAO
S/O LT. A SRINIVASA RAO
R/A No 28 VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- 8 S NARAHARI RAO
S/O LT. A SRINIVASA RAO
R/A No 28 VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE ...RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-3
SRI M.N.MADHUSUDHAN-ADV FOR R4)

- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the impugned order dt.22/ 12/2003 passed by R2 vide Annexure-A etc.

In W.P No.16833/04:

BETWEEN

- 1 N SUMATHI
W/O K NATARAJ
R/A No 157 14TH MAIN
4TH BLOCK KORAMANGALA
BANGALORE 560 134
- 2 R D MALATHY
W/O T RAJAGOPAL
R/A No 2B MIG KHB COLONY
PUTTENAHALLY
YELAHANKA BANGALORE
- 3 MEERABAI
W/O KRISHNAJI
R/A No 93/37 1ST MAIN ROAD
PARVATHIPURAM
BANGALORE
- 

- 4 RUPHINE LILLY ROCHE
W/O VICTOR ROCHE
R/A No. 7 ANJANEYA CROSS STREET
YELAGONDA PALLYAM
AUSTIN TOWN VIVEKNAGAR
BANGALORE 560 047
- 5 ABDUL MALIK
S/O HAJEE KHADER MOHIYUDDIN SAHIB
No 34/ 1 OPP. TO VIJAYA COLLEGE
EAST END ROAD BASAVANAGUDE
BANGALORE
- 6 S-K RAMESH MURTHY
S/O S KRISHNAPPA SETTY
R/A No 642 4TH 'A' YELAHANKA NEW TOWN
BANGALORE
- 7 A-SHESHAMMA
W/O P RAGHAVENDRA HANDE
R/A No 857 II CROSS
NEW MICO ROAD
CHANNA KESHAHA NAGARA
ELECTRONIC CITY
BANGALORE 560 100
- 8 F-SHAFIA HOOR
D/O GOWHER JEHAN
W/O SYED HUMAYUN KHALID
R/A No 812 5AC RING ROAD
1ST BLOCK KALYAN NAGAR
BANGALORE 560 043
- 9 D-RAMESH
S/O LT. A M DEVIDAS
R/A No 731 III MAIN 2ND CROSS
'A' BLOCK SAHAKARA NAGAR
BANGALORE 560 092

...PETITIONERS

(BY SRI S.V.DESAI-ADV)

A n d

- 1 THE DEPARTMENT OF REVENUE
GOVERNMENT OF KARNATAKA



M.S.BUILDING
BANGALORE 560 001
REPR BY ITS PRINCIPAL SECRETARY

- 2 THE HON'BLE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
- 3 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE DISTRICT
BANGALORE
- 4 THE COMMISSIONER OF
BANGALORE MAHANAGARA PALIKE
BANGALORE
- 5 THE ASSISTANT REVENUE OFFICER
MADIWALA SUB DIVISION
BANGALORE MAHANAGARA PALIKE
LIC COLONY BYRASANDRA
BANGALORE
- 6 KENDRA UPADHYAYARA SANGA(REGD)
No 24 II FLOOR SUBBARAMASETTY ROAD
BASAVANAGUDI
BANGALORE 560 004
REPR. BY ITS GENERAL SECRETARY
- 7 S NAGARAJ
S/O LT. A SRINIVAS RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- 8 V VENKOJI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- 9 S NARAHARI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST



BANGALORE

...RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-3
SRI V LAKSHMINARAYANA-ADV FOR R7-9
SRI K.N.PUTTEGOWDA-ADV FOR R4 & 5
SRI M.N.MADHUSUDHAN-ADV FOR R6)

- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order dt.22/12/2003 passed by R2 vide Annexure-N, the order dt.7/2/2004 vide Annexure-P passed by R3 and notification dt.6/3/04 at Annexure-Q by R5 etc.

In W.F No.17883/04:

BETWEEN

- 1 M RAMANJANEYA
S/O MUNISWAMY
R/A DODDATHIMMASANDRA
SARJAPUR 562125
 - 2 K HANUMANTHA RAO
S/O LT. SUBBA RAO
R/A No 182 SBM COLONY
BSK I STAGE
BANGALORE 560 050
 - 3 S G HOLIKATTI
S/O GURUBASAPPA
R/A No 36 5TH CROSS
VII BLOCK(WEST) JAYANAGAR
BANGALORE 560 082
 - 4 HONNAIAH
S/O CHANNEGOWDA
R/A RAGHURAMAREDDY LAYOUT
DODDANAKUNDI
BANGALORE 560 037
 - 5 R PARTHASARATHI
R/A U49/3 3RD CROSS
MALLESHWARAM
NEAR PIPE LINE BANGALORE 560 003
- 

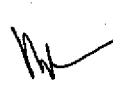
- 6 NIRMALAKUMARI
W/O M MAHADEVIAH
R/A No 581 8TH MAIN M C LAYOUT
VLJAYANAGAR BANGALORE 560 040
 - 7 USHA BASKER
W/O C E BASKER
R/A No 615 80' ROAD VI BLOCK
KORAMANGALA
BANGALORE 560 095
 - 8 H.P INSTRUMENTS
A PARTNERSHIP FIRM REGISTERED
UNDER THE INDIAN PARTNERSHIP
ACT, 1932 & HAVING ITS OFFICE
AT No 288-B 9TH A MAIN V BLOCK
JAYANAGAR BANGALORE 560 041
REPR HEREIN BY M SURESH
PEMMAIAH ONE OF THE PARTNERS
THEREOF
 - 9 HARDEVI
D/O VISHANDAS
R/A No 94/1 NIKIL APARTMENTS
10TH MAIN 6TH CROSS
HMT LAYOUT R T NAGAR
BANGALORE 560 032
 - 10 G NAGALAKSHMI
W/O K SHANKAR & K KESHAVA MURTHY
S/O KRISHNA MURTHY
BOTH R/A No 93 TEACHERS COLONY
NEAR DAYANANDA ENGINEERING
COLLEGE J P NAGAR
BANGALORE 560 078 REPR HEREIN
BY K SHANKAR HIS DULY CONSTITUTED
ATTORNEY
 - 11 T.K.RAVI
S/O T K KRISHNA IYENGAR
R/A No 233 3RD CROSS IV MAIN
J P NAGAR III PHASE
BANGALORE 560 078
 - 12 B.CHANDRAKALA
W/O B PREMAKUMAR
- 

R/A No 27 7TH CROSS
CENTRAL EXCISE LAYOUT
RMV II STAGE BANGALORE 560 094

- 13 B.C.AMARNATH
S/O H V CHIKKAMUNISWAMY REDDY
R/A No 296 7TH MAIN
VI SECTOR HSR LAYOUT
BANGALORE 560 034
- 14 BHANUPRAKASH
S/O LT. S CHANDRAIAH
R/A SARJAPURA BANGALORE 562 125
- 15 A.M.RUKMINI
D/O A K MANAVALA MUDALIAR
R/A No 31 TEMPLE STREET
NEAR SRI RAMA TEMPLE
JEEVANAHALLI COX TOWN
BANGALORE 560 005
- 16 D.H.JAYAMMA
D/O HUCHAPPA
R/A No 324 17TH C MAIN
5TH CROSS KORAMANGALA
BANGALORE 560 095
- 17 B.H.NAGAMANI
W/O LT. J SHANTHARAM
R/A No 171 2ND CROSS
TEACHERS COLONY
KORAMANGALA BANGALORE 560 034
- 18 USHA KAPOOR
W/O JAGDISH KAPOOR
R/A No 20/A MSR LAYOUT
MATHIKERE
BANGALORE 560 054

...PETITIONERS.

(BY SRI S.NAGARAJ-ADV)



A n d

- 1 THE STATE OF KARNATAKA
REPR BY THE CHIEF SECRETARY
TO THE GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
 - 2 THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 3 THE UNDER SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 4 THE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
 - 5 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
DISTRICT OFFICES BUILDING
BANGALORE
 - 6 S.NAGARAJ
S/O LT. A SRINIVAS RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
 - 7 V.VENKOJI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
 - 8 S.NARAHARI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST BANGALORE
- 

9 THE BANGALORE MAHANAGARA PALIKE
N R SQUARE
BANGALORE 560 002
REPR HEREIN BY THE
COMMISSIONER ..RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-5
SRI S K VENKATA REDDY-ADV FOR R6-8
SRI ASHOK HARANAHALLI-ADV FOR R9)

- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order dt.22/12/2003 passed by R4 vide Annexure-U, the Notification dt.7/2/2004 vide Annexure-V passed by R5 and Notification dt.6/3/04 at Annexure-W by R9 etc.

In W.P No.20678/04:

BETWEEN

K SHANTHA BAI
W/O LT. P SRINIVAS BHAT
R/A No 1016 6TH CROSS ROAD
SRIRAMPURAM
BANGALORE 560 002
By. Sri. Vivek Reddy. Adv *✓* ...PETITIONER
(~~By~~ SRI K.N.SUBBA REDDY-ADV)

And

- 1 THE STATE OF KARNATAKA
REPR BY UNDER SECRETARY
DEPT. OF REVENUE(LAND GRANTS)
VIDHANA SOUDHA
BANGALORE 560 001
 - 2 THE DEPUTY COMMISSIONER
BANGALORE DISTRICT
BANGALORE
 - 3 THE BANGALORE MAHANAGARA PALIKE
CORPORATION OFFICES
N R SQUARE
BANGALORE
- 

REPR BY ITS COMMISSIONER

- 4 THE ASST REVENUE OFFICER
MADIVALA SUB DIVISION
BANGALORE MAHANAGARA PALIKE
BANGALORE
- 5 THE HON'BLE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE
- 6 SRINIVAS RAO DIED
BY LRs.

6a S NAGARAJ

6b V VENKOJI RAO

6c S NARAHARI RAO
ALL ARE R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE 34 ..RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-4
SRI KRISHNA.S.DIXIT-ADV FOR R6a-c)

- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order dt.22/ 12/2003 passed by R1 vide Annexure-C, the order dt.7/2/ 2004 vide Annexure-D passed by R2 and Order dt.6/3/ 04 at Annexure-B by R2 etc.

In W.P No.22145/04:

BETWEEN

GOPALAI AH
S/O LT. T GANGAPPA
R/A No 45 9TH MAIN ROAD
MARUTHI HBGS
BTM I STAGE
BANGALORE 560 029

...PETITIONER

(BY SRI U.L.BHAT-Sr.ADV FOR



SRI R.BHADRI-ADV FOR
M/s. SOUTHERN LAW ASSOCIATES)

A n d

- 1 THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
- 2 THE UNDER SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
- 3 THE HON'BLE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
- 4 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE DISTRICT
BANGALORE
- 5 THE ASSISTANT REVENUE OFFICER
BANGALORE MAHANAGARA PALIKE
BANGALORE
- 6 S NAGARAJ
S/O LT. A SRINIVAS RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- 7 V VENKOJI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- 8 S NARAHARI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST



BANGALORE

...RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-4
SRI KRISHNA.S.DIXIT-ADV FOR R6-8)

- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the impugned order dt.22/12/2003 passed by R3 vide Annexure-L, the Notification dt.7/2/2004 vide Annexure-M passed by R4 and order dt.6/3/04 at Annexure-N by R5 etc.

In W.P No.25372/04:

BETWEEN

- 1 PRAVINA V SHETTY
W/O M V SHETTY
R/A E 605 RAHEJA RESIDENCY
III BLOCK KORAMANGALA
BANGALORE 560 034
 - 2 K.MOHAMMED DASTAGIR
S/O LT. K ABDUR RAHIM
R/A No 2184/ 1 MUSLIM GIRLS
ORPHANAGE STREET
LASHKAR MOHALLA
MYSORE 570 001
 - 3 DODDAVEERAPPA
S/O CHIKKAMARAPPA
R/A CHANDAPURA
ANEKAL TALUK
BANGALORE DISTRICT
 - 4 B.R.SHANTHA
D/O LT. B S RAMACHANDRA RAO
R/A No 33 POLICE STATION ROAD
BASAVANGUDI
BANGALORE 560 004
 - 5 HEMANALINI ANAND
R/A No 389 5TH MAIN 5TH AVENUE
TEACHERS COLONY KORAMANGALA
BANGALORE 560 034
- 

- 6 B. IRAVATHI
W/O B KRISHNAMURTHY
R/A No 729 38TH CROSS
16TH A MAIN IV 'T' BLOCK
JAYANAGAR
BANGALORE 560 041
- 7 C BRAMARAMBA
D/O N CHANDRASHEKHARAPPA
R/A No 615 80' ROAD VI BLOCK
KORAMANGALA
BANGALORE 560 095
- 8 YASHODA
W/O R KRISHNA MURTHY
R/A No 12 10TH CROSS
CUBBONPET
BANGALORE 560 002 ...PETITIONERS
- (BY SRI S. NAGARAJ-ADV)

A n d

- 1 THE STATE OF KARNATAKA
REPR BY THE CHIEF SECRETARY
TO THE GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
- 2 THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
- 3 THE UNDER SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
- 4 THE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
- 

- 5 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
DISTRICT OFFICES BUILDING
BANGALORE
- 6 S.NAGARAJ
S/O LT. A SRINIVAS RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE 560 034
- 7 V.VENKOJI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE 560 034
- 8 S.NARAHARI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE 560 034
- 9 THE BANGALORE MAHANAGARA PALIKE
NARASIMHARAJA SQUARE
BANGALORE 560 002
REPR HEREIN BY THE
COMMISSIONER THEREOF ..RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-5
SRI ASHOK HARANAHALLI-ADV FOR R9)

- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order dt.22/12/2003 passed by R4 vide Annexure-J, the Notification dt.7/2/2004 vide Annexure-K passed by R5 and Notification dt.6/3/04 at Annexure-L by R9 etc.

In W.P No.26218/04:
BETWEEN

KE NDRIYA UPADHYAYARA SANGA
YEDIYUR BANGALORE SOUTH TALUK



HAVING THEIR REGD OFFICE
AT No 24 SUBBARAMASETTY ROAD
BASAVANAGUDI BANGALORE 560 004
REPR. BY ITS GENERAL SECRETARY... PETITIONER

(BY SRI B.SREENIVASA GOWDA-ADV)

A n d

- 1 GOVERNMENT OF KARNATAKA
DEPARTMENT OF REVENUE
M S BUILDING
BANGALORE 560 001
REPR BY ITS SECRETARY
- 2 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE DISTRICT
BANGALORE
- 3 S.NAGARAJ
- 4 S.VENKOJI RAO
- 5 S NARAHARI RAO
R3-5 S/O LT. A SRINIVASA RAO
R/O VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- 6 B.NAGESH
- 7 B.APPAJI RAO
- 8 B SUNDER RAO
R6-8 S/O LT.A BABU RAO
R/O VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE 34 ...RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-2
SRI V LAKSHMINARAYANA-ADV FOR R3-5
SRI ASHOK.S.MENSINKAI-ADV FOR R6-8
SRI KRISHNA.S.DIXIT-ADV FOR R3-5)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order dt.23/ 12/2003 passed by R1 vide Annexure-U etc.

In W.P No.32203/04:

BETWEEN

E.ELIZABETH PREMA KUMARI
D/O F G EDWIN
R/A No 6 E STREET
COLES ROAD
CLEVELAND TOWN
BANGALORE 560 005

...PETITIONER

(BY SRI S.NAGARAJ-ADV)

A n d

- 1 THE STATE OF KARNATAKA
REPR BY THE CHIEF SECRETARY
TO THE GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
 - 2 THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 3 THE UNDER SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 4 THE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
 - 5 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
DISTRICT OFFICES BUILDING
BANGALORE
- 

- 6 S NAGARAJ
S/O LT. A SRINIVAS RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE 560 034
- 7 V VENKOJI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE 560 034
- 8 S NARAHARI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE 560 034
- 9 THE BANGALORE MAHANAGARA PALIKE
NARASIMHARAJA SQUARE
BANGALORE 560 002
REPR HEREIN BY THE
COMMISSIONER THEREOF ..RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-5
SRI ASHOK HARANAHALLI-ADV FOR R9)

- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order dt.22/12/2003 passed by R4 vide Annexure-B, vide Annexure-C dt.7/2/2004 passed by R5 and Annexure-D dt.6/3/04 passed by R9 etc.

In W.P No.36796/04:

BETWEEN

DR.D.S.KANTHARAJU
S/O SHIVASHANKARAPPA
R/A No 31/1 RAJENDRA NILAYA
9TH CROSS PARK AREA
HOSUR ROAD WILSONGARDEN
BANGALORE 560 027

...PETITIONER



(BY M/s. A.C.C.ASSOCIATES-ADV)

A n d

- 1 THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 2 THE UNDER SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 3 THE HON'BLE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
 - 4 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE DISTRICT
BANGALORE
 - 5 THE ASSISTANT REVENUE OFFICER
BANGALORE MAHANAGARA PALIKE
BANGALORE
 - 6 S.NAGARAJ
S/O LT. A SRINIVAS RAO
 - 7 V.VENKOJI RAO
S/O LT. A SRINIVASA RAO
 - 8 S.NARAHARI RAO
S/O LT. A SRINIVASA RAO
R6-8 R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE
- ...RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-5
SRI NAGARAJ-ADV FOR R6
SRI V.VENKOJI RAO-ADV FOR R7
SRI NARAHARI RAO-ADV FOR R8)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the impugned order dt.22/12/2003 passed by R3 vide Annexure-A, the Notification dt.7/2/2004 vide Annexure-B passed by R4 and order dt.6/3/04 at Annexure-C by R5 etc.

In W.P No.10305/04:

BETWEEN

PURNIMA S KUMAR
D/O LT. APPANNAPPA
W/O SHIVAKUMAR
No 150 150' RING ROAD
HSR LAYOUT KORAMANGALA
BANGALORE

...PETITIONER

(BY SRI M.S.BHAGWAT-ADV)

A n d

- 1 THE HON'BLE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
 - 2 THE STATE OF KARNATAKA
DEPT OF REVENUE(LAND GRANTS)
REP. BY ITS SECRETARY
M S BUILDING
BANGALORE 560 001
 - 3 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
BANGALORE
 - 4 THE ASSISTANT REVENUE OFFICER
BANGALORE MAHANAGARA PALIKE
MADIVALA SUB-DIVISION
LIC COLONY BANGALORE
 - 5 S NAGARAJ
S/O A SRINIVAS RAO
 - 6 V VENKOJI RAO
S/O A SRINIVASA RAO
- 

- 7 S-NARAHARI RAO
S/O A SRINIVASA RAO
R5-7 R/A No 28 VENKATAPPA LAYOUT
KORAMANGALA
BANGALORE
- 8 KENDRA UPADYAYARA SANGHA(R)
REP. BY GENERAL SECRETARY
BANGALORE SOUTH TALUK
No 24 SUBRAMANYA SHETTY ROAD
BASAVANAGUDI
BANGALORE 560 004 ...RESPONDENTS

(BY SRI V.Y.KUMAR-A.G.A FOR R1-3
SRI ASHOK HARNAHALLI-ADV FOR R4
SRI M.N.MADHUSUDHAN-ADV FOR R8)

- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order dt.22/12/2003 passed by R1 vide Annexure-A and the order dt.24/2/2004 vide Annexure-B passed by R2 and 6/3/2004 vide Annexure-C passed by R4 etc.

In W.P No.21620/05:

BETWEEN

VASANTHA S (ALSO KNOWN AS
VASANTHA SAMBASIVAN)
W/O N SAMBASIVAN
R/A No 2 FOWLER AVENUE
OSSINING NEW YORK 10562
UNITED STATES OF AMERICA
REPR HEREIN BY HER DULY
CONSTITUTED ATTORNEY
V S UDAY KUMAR

...PETITIONER

(BY SRI S.NAGARAJ & B S SUBRAMANYAM-ADV)

h

A n d

- 1 THE STATE OF KARNATAKA
REPR BY THE CHIEF SECRETARY
TO THE GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
 - 2 THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 3 THE UNDER SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BANGALORE 560 001
 - 4 THE MINISTER FOR REVENUE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BANGALORE 560 001
 - 5 THE SPECIAL DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
DISTRICT OFFICES BUILDING
BANGALORE
 - 6 S-NAGARAJ
S/O LT. A SRINIVAS RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE 560 034
 - 7 V.VENKOJI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
BANGALORE 560 034
 - 8 S-NARAHARI RAO
S/O LT. A SRINIVASA RAO
R/A VENKATAPURA VILLAGE
KORAMANGALA POST
- 

BANGALORE 560 034

9 THE BANGALORE MAHANAGARA PALIKE
NARASIMHARAJA SQUARE
BANGALORE 560 002
REPR HEREIN BY THE
COMMISSIONER THEREOF ..RESPONDENTS

(BY SRI V.Y.KUMAR-AGA FOR R1-5
SRI ASHOK HARANAHALLI-ADV FOR R9)

- o o o -

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order dt.22/12/2003 passed by R4 vide Annexure-B, vide Annexure-C dt.7/2/2004 passed by R5 and Annexure-D dt.6/3/04 passed by R9 etc.

These Writ Petitions coming on for orders and having been reserved for orders this day, the Court pronounced the following:

ORDER

These writ petitions are listed before the Division Bench on a Reference order dated 05/11/2004 made by the learned Single Judge, the same were heard together for a considerable period on merits and proceed to pass the following order.

2. All the impleading applications, which are pending, are allowed and the applicants are permitted to come on record, as they are proper and necessary parties to these proceedings. The learned counsel



appearing for them are directed to amend the cause title of the Writ Petition forthwith.

3. The impugned orders questioned in these petitions are one and the same. The parties are same and the facts, grounds pleaded and urged are similar and the prayers are also same. Therefore, all these writ petitions were heard together and following common order is passed.

4. The petitioner in the first Writ Petition is Teachers Colony Residents Association (hereinafter in short called as 'Association' in short). The other petitioners are allottees and subsequent purchasers of the sites formed by the Kendra Upadyayara Sangha (hereinafter in short called as 'Sangha') which is a registered Society under the provisions of Karnataka Societies Registration Act, 1960 and Rules formed thereunder. Lands bearing Sy.Nos.45 and 47 of Jakkasandra village, Bangalore South Taluk was granted in favour of the Sangha by the Spl.D.C. Bangalore in pursuant to the sanction order passed by



the State Government who is the first respondent in the first writ petition (hereinafter called as the 'State Government' in short). The Petitioners have questioned the legality of the order dated 22/12/2003 passed by the 3rd Respondent in the first writ petition who is the then Minister for Revenue Department, Government of Karnataka State. Pursuant to the same, a notification dated 7/2/2004 bearing INA.CR.9/99-2000 issued by the Special Deputy Commissioner for Bangalore District (herein after called as the 'Spl.D.C' in short) and the same is also challenged in these batch of Writ Petitions praying for quashing the same by issuing a writ of certiorari and requested this court for grant of such other appropriate relief or reliefs including the costs of these proceedings urging various facts and legal grounds.

5. The necessary brief facts and legal contentions urged by the number of learned Senior Counsel and other Counsel on behalf of the Petitioners and respondents are stated in this order, with a view to



appreciate the same and to answer the contentious points that would arise in these petitions.

6. The Association referred to supra is the Petitioner in W.P No.7332/2004 consisting of 485 members, who are the residents and site owners of Teachers Colony situated at Jakkasandra Village, Bangalore City. Its object is to promote the welfare of its members; the grievance of all the members and other site owners is common. The Spl.D.C, Bangalore by his order dated 15/6/1979 granted the lands referred to supra in favour of the Sangha on certain terms and conditions for the purpose of formation of a residential layout and allotted the same to its members. It is the case of the Petitioners that Bangalore Development Authority (herein after called as 'the B.D.A') vide its resolution dated 7/9/1982 has sanctioned the residential layout plan in favour of Sangha to form residential sites in the lands in question. About 571 sites are formed in the layout which is called as "Teachers Colony" and the same were allotted to the members of the Sangha and some of the members have



sold sites during the pendency of the proceedings and some of them have also filed Writ Petitions questioning the legality of the order passed by the State Government and Spl.D.C.

7. One Mr.Srinivas Rao and others claiming to be the inamdars/owners of the lands in question filed original suits in O.S.No.687/1979 and 4349/1992 questioning the order passed by the State Government and also grant of lands by the Spl.D.C, Bangalore in favour of the Sangha before the City Civil Court, Bangalore and prayed for grant the judgment and Decree of permanent injunction in respect of the lands in question against the Sangha. It is the case of the petitioners that the original owners have accepted huge amount from defendants-Kendra Upadyayara Sangha and withdrew the original suits filed by them and executed a relinquishment deed on 1/1/1980 in its favour and original inamdars had withdrawn the amount of Rs.3,40,750/- deposited by the Sangha. After lapse of several years, the Respondents 5 to 7 in the first writ petition who are the legal representatives of



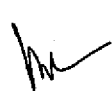
the original owners (hereinafter called as 'the inamdars' in short) questioned the legality of the grant order passed by the State Government granting lands in favour of the Sangha before this Court in W.P.NO.11412/1990. The same came to be dismissed on 28/6/1996 with costs of Rs.15,000/-, against which order, the inamdars of the lands in question filed Writ Appeal No.7574/1996 urging various legal grounds questioning the correctness of the order passed in the above Writ Petition and prayed to quash the orders impugned in the Writ Petition. The same came to be dismissed by an order of this court dated 15/9/1998 against which the inamdars filed a Special Leave Petition before the Apex Court in SLP No.2833/1999 and the same came to be dismissed vide order dated 9/4/1999 giving liberty to them to approach the Karnataka State Government for modification of the grant order referred to supra. The Association herein filed a petition for review of the said order before the Apex Court urging various grounds, the same came to be dismissed vide its order dated 28/8/2000 with an



observation that its earlier order dated 9/4/1999 will not affect the interest of the Association.

8. It is also relevant to state that the residential layout formed by the Sangha now comes within the territorial limits of Bangalore Mahanagara Palike pursuant to the Notification dated 28/8/2001 issued by the State Government in exercise of its power under Section 9 of the Karnataka Municipal Corporation Act 1976 (hereinafter in short called as 'KMC' Act). The case of the petitioners herein is that they are paying property taxes to the said Mahanagara Palike in respect of their respective site properties and it is also their further case that developmental works in the layout has been carried by the members of the Sangha, allottees/purchasers and some of the petitioners have constructed residential houses upon their respective sites in respect of the rights which have been acquired by them and they have constructed houses by spending huge amount by raising loans.

9. It is the further case of these petitioners that inamdars/owners approached the State Government



pursuant to the order passed by the Apex Court in the aforesaid Special Leave Petition seeking modification of the grant order passed in favour of the Sangha, interalia stating that they are registered as occupants in respect of the lands in question by the Land Tribunal vide its order dated 23/6/1982 in case No.F.419/79-80 and LRF 1027/79/80 after conducting an enquiry accepted their claim, that order has become final. The State Government in pursuant to the order of the Apex Court referred to supra represented by the Principal Secretary and Under Secretary vide order dated 6/8/2002 directed the Deputy Commissioner of Urban District, Bangalore to take possession of 14 sites in the layout in question and to hand over the same to the inamdars and other legal representatives of the original inamdars who are the owners of the lands in question. The owners of those sites questioned the said order before this court in W.P.No.32462-32473/2002 D.D on 28/11/2002, the same came to be allowed by quashing the order passed by respondent No.3 and remanded the case to the State Government for reexamining the



matter in the light of the order passed by the Apex Court in the S.L.P referred to supra. Therefore the Writ Petitions filed by the L.Rs. of inamdar challenging the very same order passed by respondent No.3 came to be withdrawn.

10. The contesting respondents 5 to 8 filed objection statement traversing various Writ Petition averments and allegations justifying the impugned order and prayed for dismissal of the writ petitions. It is contended by the learned counsel on behalf of the contesting respondents that the impugned order passed by the State Government is legal and valid. It is their case that the grant of the lands in favour of Sangha was made subject to the rights of the inamdars who had preferred claim to register them as occupants in respect of the very same lands granted in favour of Sangha. Since the Land Tribunal has conferred occupancy rights in respect of the lands in question in favour of inamdars by its order dated 23/6/1982 and the same has become final, the correctness of the same cannot be gone into by this Court in these proceedings. That apart, the Apex



Court by dismissing the SLP has granted liberty to the inamdars to approach the State Government for modification of its order by which the lands had been granted in favour of the Association. A direction was issued to the State Government by the Apex Court in the above referred order to dispose of the matter within a stipulated time. In compliance with the said direction the impugned order is passed by the State Government. Therefore, the impugned order and the notification are not vitiated. It is also pleaded that the petitioners have no locus standi to maintain these writ petitions as they have neither rights in respect of the lands in question or the rights, if any, are affected. The impugned order passed by respondent No.3 is not vitiated on account of arbitrariness, unreasonableness, and abuse of power or legal malafides as alleged in the Writ Petitions. Therefore, they prayed for dismissal of the writ petitions with exemplary costs by affirming the impugned order.

11. Mr. U.L.Bhat learned Senior Counsel appearing for the Association and its members justified the grant order passed by State Government granting

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lands in question in its favour for formation of residential layout placing reliance upon Rule 20 of the Karnataka Land Grant Rules 1969 (hereinafter called as KLG Rules). He has contended that the exercise of power of the State Government in granting lands in favour of Association is referable to Rule 25 of the KLG Rules and cancellation of grant and resumption of lands in its favour and to restore the same in favour of inamdars is not available for the State Government as none of the grounds enumerated in the said rule is not established by the State and other contesting respondents. With regard to the condition imposed in the grant order that the grant was subject to resolution of the rights of inamdars, the learned Sr.Counsel submitted that such a condition should not have been imposed either by the State Government or Special Deputy Commissioner. Further he has invited our attention to the conduct of the inamdars, it is stated that they filed original suits against the Sangha, entered into karaar with it by giving-up their rights upon the lands in question and received considerable amount,



therefore they are estopped from approaching the State Government for cancellation of the grant order and resume and restore the lands in their favour. Further it is contended that the inamdars have acquiesced their rights, if any, upon the lands in question on account of the fact executing karar and receipt of amount towards the lands in question. It is contended by him that merely on the basis of the order passed by the Land Tribunal registering them as occupants in respect of the lands in question, they cannot seek cancellation of the grant of lands, resume and restore the same in favour of inamdars. According to the learned Sr.Counsel, the cancellation and resumption of sites in favour of the inamdars is totally impermissible in law. In this regard he has relied upon the following decisions of the Apex Court:-

AIR 1954 SC 82 (SUNDERABAI & ANR. Vs. DEVAJI SHANKAR DESHPANDE), paras 14, 16 & 18

AIR 1955 SC 481 (SAHU MADHO DAS & ORS. Vs. MUKAND RAM & ANR.), para 15,

AIR 1971 SC 2213(LACHOO MAL Vs. RADEHYE SHYAM) paras 5, 6 & 7,



AIR 1973 SC 554(GULAM DAS Vs. HAJI KAYYAM ALI & ORS.), paras 14 & 17.

12. On the question of acquiescence, the following decisions are cited:-

AIR 1975 SC 67 (DIRECTOR OR INSPECTION I.T Vs. POORAN MALL & SONS.)

1984(2) SCC 439 (KROTHAPALLI SATYANARAYANA Vs. KOGANTI RAMAIAH & ORS.),

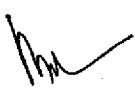
1992(4) SCC 683 (R.N.GOSAIN Vs. YASHPAL DHIR), paras 9 & 10,

2000(6) SCC 359(KUNHAYAMMED & ORS. Vs. STATE OF KERALA & ANR.), para 44.

13. The legal submissions of Mr. U.L.Bhat are rebutted by Mr.V.Lakshminarayana on behalf of some of the contesting respondents/inamdars. He has vehemently contended that the order of the Division Bench of this Court in respect of the same parties and other inamdars in respect of the lands in question has not merged with the order of the Apex Court. In support of this legal contention, he relied upon the decision of the Apex Court reported in **AIR 1967 SC 681(STATE OF MADRAS Vs. MADURAI MILLS CO. LTD).** He submitted that the impugned order passed by



the State Government is legal and valid as the same is permissible in law as per the directions issued by the Apex Court in its order passed in the S.L.P. Further elaborating his submissions he has contended that otherwise also as per the condition incorporated in the grant order it had absolute power to pass the order impugned in these petitions. In this context he cited the decision reported in AIR 1966 SC 866 (**RUSSA H.MEHTA TRUST Vs. COMMISSIONER OF INCOME TAX**). He has placed reliance upon the provisions of Sections 2(2) r/w Section.1(4) of the Karnataka (Personnel and Miscellaneous) Inams Abolition Act of 1954(hereinafter called as Inams Abolition Act), he submitted that the lands in question vested with the State Government pursuant to the abolition of Inams under the above Act. Certain rights and privileges are given to the inamdars under the provisions of Section.9 of the Act and they can seek grant of occupancy rights of the inam lands in question. The said rights of the inamdars were crystallized with the conferment of occupancy rights by the Land Tribunal on their claim



application as they had established their rights upon the lands and rightly registered them as occupants, which order has become final and the correctness of the same cannot be questioned by the petitioners in these proceedings. Since their claim application to register them as occupants under Section.10 of the Act r/w relevant Rule of the Rules was pending as on the date of relaxation order passed by the State Government and grant order passed by the Spl.Dy.Commissioner, the Government had neither jurisdiction nor power to pass relaxation order in respect of the lands in question and the Spl.D.C granted the lands under the Land Grant Rules in favour of the Association for the purpose of formation of residential layout and allot the sites in favour of its members. Consequent upon abolition of the Inams under the provision of Act of 1954, the lands in question vested in the State Government which is subject to the rights and privileges conferred upon the inamdars under the provisions of the Act of 1954 in respect of the lands in question to seek grant of occupancy rights and therefore the lands was not



available for the granting Authority to grant the same in favour of the Association. Therefore, he vehemently submitted that the relaxation order and grant order passed by the State Government and Spl.D.C respectively in favour of the Sangha/Association was without jurisdiction and authority of law, hence the same is void ab-initio, inchoate and inexecutable in law. In this regard, he has placed strong reliance upon the decisions of the Apex Court reported in 1999(8) SCC 16 (MAHARAJA CHINTAMANI SARAN NATH SHAHDEO Vs. STATE OF BIHAR & ORS.) and AIR 1966 SC 328(GADDE VENKATESWARA RAO Vs. GOVERNMENT OF ANDHRA PRADESH & ORS.). It is further contended by him that mere execution of karaar document by the inamdars in favour of the Association when the rights of the inamdars was not crystalised or settled by the Land Tribunal, the same will not convey any title in favour of the Association in respect of the lands in question. In this regard reliance is placed upon the decisions of the Privy Council and this Court reported in AIR 1931 PC 52(MISS. DOTTIE KARAN



Vs. LAXMI PRASAD SINHA) and **ILR 1979 KAR VOL-
XXX 2113 (ANANDAPPA & ANR. Vs. HIRALAL BY
LRs)**. It is further contended that the karaar document
being unregistered document, no title of the lands in
question had been passed on in favour of the
Sangha/Association and its members. It is also
contended that since the lands in question statutorily
vested with the State Government under the provisions
of the Act is the finding recorded by the Land Tribunal
in its order passed in favour of the inamdars wherein it
has granted occupancy rights in favour of the inamdars,
therefore the learned counsel has contended that the
State Government should have been a party to the
karaar, since it is not a party, the karaar cannot be
construed as a valid contract between the inamdars and
Association in respect of the lands in question. In
support of this legal submission he relied upon the
decision of the Apex Court reported in **AIR 1958 SC
532 (SMT. SHANTABAI Vs. STATE OF BOMBAY)**.
Further he has submitted that the karaar documents
upon which strong reliance is placed by the petitioners

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is void abinitio in law, in support of this legal ground he has cited the decision reported in **AIR 1966 SC 1637 (ANWAR KHAN MEHBOOB Vs. STATE OF MADHYA PRADESH)** and contended that the same is not binding on the inamdars. In support of another legal contention that the grant of lands in favour of the Association by the Spl.D.C was subject to conferment of occupancy rights upon the inamdars in respect of the lands in question and the order impugned is passed by the State Government in view of the order of the Land Tribunal wherein it has conferred occupancy rights upon the inamdars in respect of the very same lands and therefore the same is legal and valid, in support of this contention he relied upon the decision reported in **AIR 1965 SC 516 (PERIASWAMI Vs. SUNDARESA AYYAR)** is cited. Therefore, it is urged by the learned counsel that the allegations made against these respondents by the petitioners have no relevance on the cancellation of the grant order passed by the State Government which is impugned in these petitions. The learned counsel has strongly rebutted the legal contention urged by the



learned Sr.Counsel on behalf of some of the petitioners pertaining to acquiescence or waiver of rights of the inamdars in support of this contention he has strongly placed reliance upon the decision of the Apex Court reported in **AIR 1974 SC 2089 (P.DASA MUNI REDDY Va. P.APPA RAO)** as the karaar document is void abinitio in law for the reasons stated supra and therefore the same is not binding upon the inamdars and State Government and unenforceable in law.

14. Mr. U.L.Bhat, learned Senior Counsel relied upon Section 3(1)(a) and Section 10 of the Act and contended that if there is any conflict between the above two provisions of the Act, the same should be harmonised to achieve the object and intentment of the Act, which is the golden rule of interpretation of a statute. If two interpretation of the provision of a statute is plausible then this Court has to take possible construction of the provisions of the Act and the interpretation of the same shall be made in favour of the grantee with a view to achieve the object and intentment of the Act. The above legal submission is made by him



to show the rights conferred upon the inamdars under Section 9 of the Act for grant of occupancy rights in their favour as the inam lands vested with the State Government, despite the same the State Government has got the statutory power to grant the lands in favour of the Association. In this regard he has relied upon the following decisions:-

AIR 1954 SC 202 (RAJ KRUSHNA ROSE Vs. BINOD KANUNGO & ORS) para 11

AIR 1958 SC 255 (SRI VENKATARAMANA DEVARU & ORS. Vs. STATE OF MYSORE & ORS.), para 29,

1992 SC 1789 (KIRHAN KUMAR Vs. STATE OF RAJASTHAN), Paras 7, 10 & 11.

With reference to the above decisions of the Apex Court he has elaborated his submissions and contended that there is no inherent lack of jurisdiction on the part of the State Government or Land Grant Authority to pass an order of sanction for granting the lands in question by the Land Granting Authority viz. Spl.D.C under the KLG Rules which are vested in it. According to him, merely because the statute has conferred certain valuable rights on the inamdars for grant of conferment of occupancy rights in respect of the inam lands, the



same does not disentitle the State Government to exercise its statutory power for grant of the very same lands in favour of eligible persons, even when the inamdars' claim applications were pending consideration before the Land Tribunal. Since the title of the inamdars was crystallized pursuant to the order of the Land Tribunal granting occupancy rights, the same perfected the grant of lands in favour of the Association by feeding of estoppel under Section 43 of Transfer of Property Act. Further he has relied upon Sections 2, 5, 6, 7, 8, 9 and 10 of the Inams Abolition Act contending that land revenue is not levied for alienated village; it is imposed for unalienated village. For unfranchised inam, no premium is imposed. Therefore, the condition imposed in the grant order by either the State Government or Land Grant Authority is not permissible in law. In support of the above legal contention, he has relied upon the decision of the Apex Court reported in **AIR 1956 SCR 889 (RAJA RAJINDER CHAND V. SUKHI)**.



15. It is further contended by him that the real intention of the statute has to be ascertained by this Court, if two plausible interpretations of the provisions are possible, namely, either the grant is void or voidable, plausible construction of the provisions of the Act is that grant of land voidable can be ascertained by this Court to achieve the real object and intentment of the Act. Learned Sr.counsel has elaborated this contention by submitting that though the lands in question vested with the State Government under Section 1(4) of the Act and therefore under Section 3(1)(a) of the Act certain legal consequences will follow. The another legal contention urged by him is that the possession of the lands was not with the inamdars is the undisputed fact, the same was with the Sangha/Association and its members in pursuant to the grant order passed by the Land Grant Authority as it was put in possession of the lands in question after grant order was passed. In support of this contention he relied upon the layout plan approved by the BDA after collecting requisite charges under the provisions of



the B.D.A Act of 1976. Keeping these relevant aspects in view, the legality and validity of the impugned order has to be examined by this Court to answer the rival legal contentions urged on behalf of the petitioners. The learned Sr.Counsel has submitted that the inamdars of the lands in question have lost possession of the same and they did not ask for restoration of the same from the Association. The rights accrued to the inamdars if any under the provision of Section 9 of Inams Abolition Act in view of Articles 64 and 65 of the Limitation Act of 1961, they had lost possession of the lands and therefore the State Government and the Land Grant Authority ought not have passed the order of cancellation of grant of lands and directed to restore 182 sites in favour of the inamdars. It is contended that the Association and its Members have perfected their title by adverse possession of the lands in question and therefore neither the contesting respondents nor the State Government have any rights to exercise their power and they are estopped to do so. It is contended that the inamdars have not sought for restoration of



possession of the lands in question and therefore they have lost their rights under Order 2 Rule 2 CPC.

16. It is also stated that the contesting respondents are merely registered as occupants in respect of the lands in question by the Land Tribunal and they have no better rights and title. The learned Sr.Counsel has contended that there is indirect bar both on the State Government and the inamdars to question the grant order and consequently the impugned order cannot be allowed to sustain in law, as the same is opposed to law on various grounds as stated above. Further he has very vehemently contended that in view of the earlier Division Bench decision of this Court referred to supra, the inamdars cannot question the order of the Spl.Deputy Commissioner as the same was merged with the order passed in the SLP. In support of this, legal contention the learned Sr.Counsel has relied upon the decisions reported in **2002(8) SCC 361 (SHANMUGAVEL NADAR Vs. STATE OF T.N & ANR.)** paras 1, 13, 16, 17 and 19 and also **2002(3) SCC 302 (SAURASHTRA OIL MILLS**



ASSN., GUJARAT Vs. STATE OF GUJARAT & ANR.),
para 14.

17. Rebutting the aforesaid various legal contentions urged on behalf of petitioner Association, Mr.V.Lakshminarayana submits that the contention that the earlier order of Division Bench was merged with the order of Apex Court is wholly untenable in law in view of the phrase used in the order of Apex Court, the same cannot be substituted or sub-planted as held by the Apex Court in the decision reported in **AIR 1986 SC 1455 (G.K.DUDANI & ORS. Vs. S.D.SHARMA & ORS.),** para 12. It is further submitted by him that the Land Tribunal has exercised its power under the provisions of the Inams Abolition Act after conducting an enquiry on the applications of the inamdars in respect of the lands in question and it has determined their statutory rights upon the same and occupancy rights have been conferred upon them under Section 10 of the Act and the same is legal and valid as held by the Supreme Court in **1993(3) SCC 367 (SUHWANT SINGH Vs. STATE OF PUNJAB).** It is further contended by him



that the earlier writ proceedings were disposed of by this Court on technical grounds and the real legal questions which were required to be raised or have arisen in the case is not at all raised, considered and answered by this Court. Therefore, the earlier order of this Court does not operate res-judicata under Section.11 of CPC as contended by the petitioners. In support of this legal submission, the counsel relied upon the decision of the Apex Court reported in **2004(1) SCC 712 (DHARAM DUTT & ORS. Vs. UNION OF INDIA & ORS.)**. The exercise of power by the State Government to pass relaxation order and consequential order of grant passed by the Spl. Deputy Commissioner, Bangalore by imposing certain terms and conditions which are legal and valid in law, therefore the correctness of the same cannot be questioned by the learned counsel for the petitioners. In support of this legal submission, reliance is placed by the learned counsel on behalf of some of the inamdars upon the following decisions:-



**AIR 1993 SC 2001(MOST.REV. P.M.A
METROPOLITAN & ORS Vs. ,PRAM ,AR ,ARTJP,A &
ANR.),**

**AIR 1996 SC 2367 (STATE OF MAHARASHTRA Vs.
M/s. NATIONAL CONSTRUCTION CO. BOMBAY).**

**AIR 2004 SC 1238 (PUHEPA DEVI Vs. BINOD KUMAR
GUPTA)**

It is stated by him that in the earlier writ petition proceedings the legal aspects as has been raised in these proceedings were neither raised, considered nor answered by recording the findings with reasons on the contentious points that would have been formulated in the case. Therefore, the findings and reasons recorded in the order passed by the Division Bench of this Court referred to supra are per-incurium as the same are contrary to the provisions of the Act and law laid down by the Apex Court in this regard, on this important legal aspect of the case the learned counsel has relied upon the following decisions:-

**2004(7) SCC 558 (NIRMAL JEET KAUR Vs. STATE
OF MP & ANR.)**

**AIR SCW 2005 page 2203 (SHAKUNTALA DEVI Vs.
KANLA & ORS.)**

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Further in support of the proposition of law that rule of procedure cannot supercede the law of the lands, on this aspect strong reliance is placed by the learned counsel upon the following decisions:-

AIR 1988 SC 1531 (A.R.ANTULAY Vs. R.S.NAYAK)

AIR 1991 SC 993 (SMT.ISABELLA JOHNSON Vs. M.A. SUBAI), para 6

AIR 1996 KAR 193 (N.SREEKANTALAH @ M.N.SREE KANTALAH & ANR. Vs. M.N.MALLIKARJUNALAH).

18. The learned Sr.Counsel for the Association and its members contended that the condition imposed in the grant order is on the grantee viz; the Association and the said condition is not binding on its members as they are the allottees on the basis of the same they got their ownership rights upon the allotted sites and same is settled. It is contended that the Association and its members are separate and distinct from each other and therefore the impugned order and notification are not binding upon them. The further contention of them is that if the grant order is valid, cancellation or resumption and restoration of 182 sites in favour of the inamdars on the happening of an event of grant of



occupancy rights of the lands in question upon the inamdars is not permissible in law. In such an event, the Government and Deputy Commissioner were required to comply with principles of natural justice as not only the allottees of sites but also the right of subsequent purchasers of sites as they are affected persons, they have not been given opportunity of hearing before passing the impugned orders by the State Government for which they are legally entitled to in law, as the impugned order passed has got serious civil consequences upon their rights as they have purchased sites. Therefore, the order impugned in these writ petitions is bad in law. Further, the impugned order is also bad in law for one more reason namely there is no application of mind on the part of the respondent No.3 while passing the same, therefore the same is liable to be quashed. The order passed by respondent No.3 on the basis of the report procured by him without affording opportunity to the petitioners to make their submissions regarding correctness of the same.



19. Mr. V.Tarakaram, learned Senior Counsel appearing for the petitioner in W.P.Nos.12094 to 12012/2004 and Sri Padubidri Raghavendra Rao have submitted that an application was filed on 20-6-1992 before the Supreme Court to review the exparte order passed in the SLP at the instance of the inamdars. The order passed by the State Government must be in conformity with the decision of this Court reported in **ILR 1984 KAR 1740 and 1986(1) All ER 587 at page 594 (T.C.B LTD. Vs. GRAY).**

20. Mr.P.Krishnappa and Mr.B.Srinivasa Gowda the learned counsels for the petitioners, who are the purchasers of the sites have contended that sites have been formed on the lands in question, the same were allotted to the members of the Association and several of them have sold the allotted sites to various persons, they submitted that no vacant site is available now for resumption and restoration of the same in favour of the inamdars. Therefore, they have urged that the direction issued by the State Government to the Association in



the impugned order to hand-over 182 sites to the contesting respondents remain only on the paper and the direction issued in this regard cannot be given effect to by the Association. Further, it is also stated by them that the direction so issued is without notice to the petitioners and therefore the impugned order is liable to be quashed by allowing their Writ Petitions.

21. Mr. M.S.Bhagawath, learned counsel appearing for some of the petitioners/purchasers has submitted that since the inamdars withdrew their original suits by entering into karaar with the Sangha, they cannot re-agitate the matter now in respect of the very same lands.

22. Mr. Vivek Reddy learned counsel appearing for the petitioner in W.P.No.14771/2004 has seriously questioned the direction issued by the Supreme Court in the SLP filed by the inamdars while dismissing the same by placing reliance upon certain provisions of Administrative Law. He has submitted that on the basis of the direction issued by the Supreme Court in its



order to the State Government it has passed the present impugned order, the correctness of the same has to be examined by this Court keeping in view three important aspects, namely (1) Whether the impugned order is vitiated on account of abuse of power by the State Government, (2) manifest unreasonableness and (3) whether the power exercised by the State Government is tainted with mala fides? He has submitted that the impugned order is contrary to the grant order. It is also contended by him that the Minister for Revenue Department of the State Government has not discharged his statutory duty while complying with the directions of the Apex Court, as held by the **House of Lords** in the case reported in **2002 ALEE 289**. The learned counsel relied upon at pages 553 to 556, para 13-014 from the Administrative Law in support of his submission that exercise of power by the Minister for Revenue Department is bad in law. With reference to page 559, para 13.01 & 022, he submitted that there must be rationality, logic, evidence and reasoning in the exercise of power by the State Government while



passing the order and canceling the relaxation order of grant passed in favour of the Association by the State Government. According to him, this case is a classic case, where the political executive, Minister for Revenue Department has recorded a finding stating that there is violation of the terms and conditions of grant which is erroneous in law for want of evidence and therefore the same cannot be allowed to sustain. In support of this legal submission he has relied upon the decision of House of Lords reported in 1990(3) All E.R. 801 (MORRIS Vs. MURRAY & ANR.

23. Mr. V.Lakshminarayana has contended that the meaning of "subject to" the phrases used in the order of grant passed by the granting Authority according to Blacks Law Dictionary, 5th Edition is "subservient". The learned counsel relied upon the decision of the Apex Court reported in AIR 1961 SC 1152 (BALAKRISHNA & SONS Vs. STATE OF MADRAS para 5, AIR 1951 SC 41 (CHARANJIT LAL CHOWDHURY Vs. UNION OF INDIA & ORS.) and 1955 SCR 777 (THE STATE OF BOMBAY Vs. BHANJI



MUNJI & ANR. in support of his legal submission that the grant order passed by the Spl.D.C was subject to grant of occupancy rights in favour of the inamdars in respect of the lands in question on the pending application filed by them and the same is sub-servient. In support of this contention he has also relied upon the following decisions of the Apex Court:

AIR 1963 SC 703 (GUJARAT UNIVERSITY & ANR. Vs. SHRI KRISHNA) & AIR 1963 SC 1128(MYSORE STATE E.B.OARD Vs. BANGALORE W.C. & S.MILLS),

2003(4) SCC 86 para 35(M.V.SHANKAR BHAT & ANR. Vs. CLAUDE PINTO & ORS.,

AIR 1964 SC 207 (SOUTH INDIA CORPORATION (P) LTD Vs. SECY. BOARD OF REVENUE, TRIVANDRUM & ANR.).

The learned counsel has further contended that the inam lands which were attached to the Jodi village statutorily vested with the State Government after the Inams Abolition Act of 1954 has come into force even if the lands were mortgaged, he relied upon the decision of the Apex Court reported in **1962(3) SCC (Suppl) 565 (KRISHNA PRASAD & ORS. Vs. GAURI KUMARI DEVI)**. He further submitted that by virtue of the order granting occupancy rights in favour of inamdars to

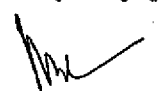


register them as occupants of the lands in question pursuant to the abolition of inam lands under the Inams Abolition Act of 1954, fresh right, title and interest was conferred upon the inamdars which legal position is laid down by the Division Bench decision of this Court reported in **1977(1) K.L.J 389 (MUNIYALLAPPA Vs. KRISHNAMURTHY B.M & ORS.)**.

According to him, the order of grant of occupancy in respect of the lands in question passed by the Land Tribunal cannot be questioned by the petitioners in these collateral proceedings, this position of law is well settled in the decision of this Court reported in **1993(5)**

K.L.J 459(ANJANAPPA & ORS. Vs. BYRAPPA, BY

LRs.). The order passed by the Land Tribunal in respect of the very same lands in favour of the inamdars has become final, since the same was not questioned or challenged in appeal by anybody. Therefore, the same is binding upon the parties and cannot be re-opened in these proceedings. In support of this contention, the learned counsel has relied upon the decision reported in **1966(1) Mys.L.J 655(F.B) (T.SRIRANGACHAR & ANR.**



Vs. STATE OF MYSORE) which has followed another Division Bench in the case reported in **1967(2) Mys.L.J. 573(D.S.THAYAMMA Vs. STATE OF MYSORE).**

Lastly, he has contended that the power of this Court under Article 226 of the Constitution is very limited and the same can be exercised to quash the order impugned only if it is established by the petitioners that the same suffers from unreasonableness, arbitrariness. In this regard he cited the decisions of the Apex Court reported in **2003(6) SCC 675(SUREYA DEV RAI Vs. RAM CHANDER RAI & ORS. para 38, 2004(3) SCC 488 (COMMISSIONER OF CUSTOMS, CALCUTTA & ORS. Vs. INDIAN OIL CORPN. LTD & ANOTHER) para 24.**

The learned counsel has further vehemently submitted that the Land Grant Rules, particularly Rule 27 of KLG Rules is not applicable to the lands in question for grant of lands in favour of the Association and therefore he submits that the impugned order or cancellation of grant of lands is legal and valid. In support of this



MARKETING (MARKETING DIVISION) COAL INDIA LTD. & ANR. Vs. MEWAT CHEMICALS & TINY SSI COAL PULVERISING UNIT & ORS.) and 1999(4) SCC 443 (APPA NARBAPPA MAGDUM(D) THROUGH LRs. Vs. AKUBAI GANAPATI NIMBALKAR & ORS.

24. Mr. S.K.Venkata Reddy, learned counsel appearing for some of the contesting respondents 6 to 8 in Writ Petition No.17883/2004 has strongly relied upon Section 10 sub-section 3(a)(2)(i)& (ii) and (b) of the Act to contend that the State Government had no power to pass the sanction/relaxation order to facilitate the Spl.D.C to grant the lands in favour of the Association as the lands was being inam land covered under the provisions of the Act of 1954 and the same was statutorily vested with the State Government, by conferring certain rights and privileges upon the inamdars for grant of occupancy rights in respect of the very lands. In fact they filed the application before the Land Tribunal claiming occupancy rights, which was in time and it was pending as on the date of relaxation and grant orders passed by the State Government and



Spl.D.C, therefore, the condition imposed in the grant order stating that the grant of lands was subject to disposal of the said application of the inamdars is justified. It is further submitted that the rights of the inamdars upon the lands in question was not extinguished as contended on behalf of the petitioners.

The lands in question did not vest absolutely with the State Government as mentioned in ^{the sub-} Clause ^{(ii) b} (b) of subsection(3) of Section.10 of the Inams Abolition Act of 1954, but vesting of the lands in question was subject to the rights of the inamdars to claim occupancy rights by them under Section 9 of the Act and determination of their rights under Section 10 of the Act by the Land Tribunal as provided in the statute, therefore the statutory rights of the inamdars conferred by the State Legislature in respect of the lands in question can be either deprived of or taken away by the State Government by passing an order of relaxation which is legally not permissible in law. Since the claim application of the inamdars in respect of the very same land was pending consideration before the Land

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Tribunal, the sanction/relaxation order and grant order passed by the State Government and Spl. Deputy Commissioner in favour of the Association are void ab initio in law for want of jurisdiction and power under the provisions of the Inams Abolition Act. In support of the above legal submission the learned counsel has strongly relied upon the following decisions of the Apex Court:-

AIR 1954 SC 340, para 6 (KIRAN SINGH & ORS. Vs. CHAMAN PASWAN & ORS.

AIR 1974 SC 2177 (K. RAMADAS SHENOY Vs. UDUPI MUNICIPALITY), paras 18 and 28

AIR 1978 SC 831 (MOHINDER SINGH GILL & ANR. Vs. CHIEF ELECTION COMMISSIONER) para 8.

25. Further he has relied upon the provisions of Sections 79-A, 79-B & 79-C of the Karnataka Land Reforms Act (hereinafter called as the KLRF Act in short), the learned counsel has urged that the Association is neither an Agriculturist, Religious, Charitable, Educational Institution and even a Farmers Co-operative Society but a mere society registered under the provisions of Karnataka Societies Registration Act



and therefore it is not entitled to hold agricultural lands in its name without obtaining permission of the competent Authority under the provisions of the KLRF Act. That apart, its income from all sources should be less than the amount of Rs.2,25,000/- p.a as provided in Section 79-A of K.L.R.F Act. Under Section 79-B of the Act there is a clear statutory bar for the Association to hold agricultural lands, as it does not come under the exceptions carved out under Section 63 of K.L.R.F Act. The learned counsel has submitted that the order of the Spl.Deputy Commissioner is composite order of both grant of land and conversion of the same from agricultural use to non-agricultural purpose is not only contrary to Section 95(2) of Karnataka Land Revenue Act (hereinafter called as KLR Act) but also the provisions of Section 136 of KLRF Act. In support of the above legal contention, the decisions of the Apex Court reported in 2005(7) SCC 653 (DEVASAHAYAM (DEAD) BY LRs. Vs. P.SAVITHERAMMA & ORS.) and 1995(3) (Suppl) SCC 249 (STATE OF ORISSA & ORS. Vs. BRUNDARAN SHARMA & ANE.) are cited. He has



strongly relied upon the decision reported in 1995(3) (Suppl) SCC 724, para 17(A.T.S. CHINNASWAMI CHETTIAR & ORS. Vs. SRI KARI VARADARAJA PERUMAL TEMPLE & ANR.). He further contends that this Court has no power of appeal against the order of the Land Tribunal. He has also questioned the correctness of the order of relaxation and grant order which have been passed by the State Government and Spl.D.C under the Land Grant Rules are without power and authority of law, in support of this submission he has relied upon the decision of the Apex Court reported in 1996(1) SCC 443 (BIHARILAL JAISWAL & ORS. Vs. COMMISSIONER OF INCOME TAX & ORS.) The decision of the Apex Court reported in 2004(6) SCC 588(M.C.MEHTA Vs. UNION OF INDIA & ORS.) is cited in support of the contention that one arm of law cannot be used by the State Government and its officers to defeat the other arm of law. It is contended by him that Section 9 of the Inams Abolition Act of 1954 confers statutory rights upon the inamdars in respect of the lands in question to get them registered as occupants



under Section 10 of the Act and the same cannot be whittled down by the State Government and Spl. Deputy Commissioner in exercise of their so-called powers under the Land Grant Rules, no such power is conferred upon them either under the provisions of Inam Abolition Act or Land Grant Rules. Therefore exercise of power by both the State Government and Spl.D.C in granting the lands in question in favour of the inamdars is void abinitio in law and therefore the respondent No.3 is perfectly justified in passing the order impugned in these petitions.

26. By way of reply, Mr. U.L.Bhat contended that the lands of Jakkasandra village are not notified in the notification published under Section 1(4) of the Inams Abolition Act as per K.L.J Publication, 548. Therefore, the lands in question upon which rights are claimed by the inamdars is not inam lands and the contesting respondents are not inamdars and therefore, question of granting occupancy rights in their favour by the Land Tribunal in respect of the very same lands does not arise. He further contends that out of two inamdars



(L.Rs of Srinivasa Rao) alone have filed writ petition and SLP and the L.Rs of Late.Baburao have not challenged the order of relaxation and grant order. Therefore, he submits that those orders have become final in so far as they are concerned. He has further elaborated his submissions, inviting our attention to the order of Land Tribunal, wherein it has not fixed the premium amount in respect of the lands in question but the same is fixed in respect of land bearing Sy.No.72 of Madiwala village, which undisputed fact goes to show that the Land Tribunal was aware of the fact that the lands had been granted in favour of the Association and not available for the Land Tribunal for grant of occupancy rights in favour of the inamdars and therefore the premium was not fixed by it calling upon the inamdars to pay the same to the State Government. He states that this important aspect of the matter should have been taken note of very carefully by the State Government while passing the impugned order. Non-consideration of the same has vitiated the order and therefore he has prayed to quash the order impugned in these petitions.



27. Mr. V.Y.Kumar, learned Addl.Govt.Advocate made submissions with reference to the records of the State Government and its respondents to justify the impugned order. He has contended that the State Government has exercised its power by invoking the condition incorporated in the grant order in view of the violation of the same by the grantee and passed the order. He has also sought to justify the order impugned in these petition for another reason that the State Government has invoked its right to cancel the grant as per the condition incorporated in the grant order as the application of the inamdars was disposed of by the Land Tribunal by conferring occupancy rights upon them in respect of the lands. He has also submitted that condition (c) and (d) incorporated in the grant order are legal and valid in view of the Grant Act. Since the Government has granted the lands in favour of the Association, it has got every authority to incorporate the conditions in the grant order and if there is violation of the same, it can cancel the grant of lands. He has submitted on the basis of record that in the instant case



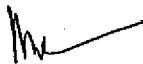
182 sites are left vacant by the Association/Sangha despite allotment of the same was made, this finding recorded by the Minister for Revenue Department is based on fact. It submitted that according to the condition incorporated in the grant order the allottees were required to utilise the sites within two years from the date of allotment and they should not have sold the same to third parties for a period of 15 years. Since these conditions have been violated by the allottees of the Association, the grant of lands in its favour is cancelled and resumption and restoration of 182 sites is rightly ordered in favour of the inamdars. He has further submitted that two and half acres of land are kept vacant for Civic Amenity. According to him, the State Government has complied with the direction issued by the Apex Court in the order passed in SLP. That apart, the grant of lands in favour of the Association by the Spl.D.C was subject to the conferment of occupancy rights upon the inamdars for which they are legally entitled to in law, since the Land Tribunal has conferred occupancy rights upon them in



respect of the lands in question, the grant order passed in favour of Association has lost the character of grant. Therefore the earlier Division Bench decision of this Court referred to supra in respect of the lands in question between the parties will not enure to the benefit of the Association and its members or the purchasers. In the circumstances, the learned Additional Govt. Advocate has submitted that the impugned order cannot be termed as without authority of law and therefore it suffers from error in law as urged by the Senior learned counsels and other counsels on behalf of the petitioners and therefore he has prayed for dismissal of the Writ Petitions.

28. On the basis of the rival contentions urged, the following points would arise for our consideration and determination:-

1. Whether the 34 acres 3 guntas of land in Sy.Nos.45 & 47 of Jakkasandra village, Bangalore South Taluk was available for grant and the State Government had jurisdiction and power to accord sanction to grant the same in favour of Teachers Colony Residents Sangha/Association by



order dated 15-6-1979 and whether the sanction accorded by the State Government was justified during the pendency of application of the inamdars before the Land Tribunal for grant of occupancy rights?

2. Whether the sanction order passed by the State Government exercising its power under the Karnataka Land Grant Rules, 1969 is legal and valid ignoring the rights of the inamdars upon the granted lands under Sections 9 & 10 of the Inams Abolition Act?
3. Whether the karaar (agreement) executed by the Inamdars on 1/11/1980 in favour of the Sangha/Association is legal and valid when their rights, title and interest are not finalised and pending adjudication of their claim before the Land Tribunal and whether such an unregistered agreement is binding upon them and whether the Inamdars waived their rights over the lands in question pursuant to such karaar?
4. Whether the order passed in the earlier proceedings in W.P.No.11412/90, W.A.No. 7574/96 and S.L.P (Civil) No.2833/1999 operates as res judicata?
5. Whether the Inamdars are estopped from seeking

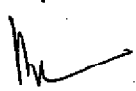


cancellation of the grant order of the lands in question without seeking possession of the lands?

6. Whether the purchasers of sites from the allottees have locus-standi to maintain their writ petitions challenging the impugned orders and notification?
7. Whether the impugned orders and notification are legal & valid and are they vitiated on account of abuse of power, manifest unreasonableness or arbitrariness?
8. Whether the petitioners are entitled to any relief/s and if so, to what relief?

29. The first two contentious points are answered as under:-

As per the sanction order passed by the State Government on 15/6/1979, according sanction by it for grant of lands in question in favour of the Sangha for forming a residential layout to provide house sites to its members. The granted lands in favour of Association are personal and Miscellaneous inam lands which were statutorily vested with the State Government in pursuant to the abolition of inams under the provisions of the Inams Abolition Act, 1954. The grant of land in



favour of the Association was made by the SplD.C subject to the claims of the inamdars pending before the Land Tribunal, Bangalore South Taluk for grant of occupancy rights in respect of the very same lands in their favour. The petitioners did not produce any document to show that the lands are not inam lands in terms of the definition under the provisions of Section 2(5) of the Act. The contesting respondents in all these petitions are inamdars of the lands in question is not disputed. They filed application under Section.10(3) of the Act to register them as occupants in respect of the granted lands within the statutory period of limitation prescribed in the statute as the statutory rights were conferred upon them under Section 9 of the Act even after abolition of inams under the Act. It is not the case of the petitioners that application was not filed by the inamdars before the Land Tribunal in respect of the lands in question within the prescribed time and therefore the rights of the inamdars upon the same did not extinguish as stated under Section.10(3) sub-clause-(ii)(b) of the Inams Abolition Act and the lands



were absolutely vested in the State Government and therefore the same were not available for disposal, therefore the sanction and grant orders passed by both the State Government and Spl.D.C. in favour of Association in exercise of their power under the provisions of the Land Grant Rules in respect of the lands in question in favour of the Sangha are void abinitio in law as the lands in question were not available for grant. The sanction order passed by the State Government itself makes clear that the grant of lands was subject to the decision in the dispute of the inamdars pending before the Land Tribunal. The interpretation of certain provisions of the Act sought to be made by Mr.U.L.Bhat learned Sr.Counsel on behalf of the Association by placing reliance upon Section.10 sub-section.(3)(a) sub-clause(ii)(b) of the Inams Abolition Act and certain decisions referred to supra to contend that State Government and Spl.D.C had the power to pass the sanction order and grant order in favour of the Association/Sangha, therefore the legal contention urged on behalf of the inamdars that they had no power



or authority to pass the orders referred to supra is wholly untenable in law. His further legal submission is that if, there is any conflict between the provisions of two statutes viz; the Act and the Land Grant Rules in respect of granting the lands in favour of the Sangha/Association the harmonious interpretation of the provisions of the above Act and Rules in the golden rule of interpretation of the statute to achieve the object and intentment of the Act should be made in favour of the Sangha. According to him there is no conflict between the aforementioned two provisions of the Act and Rules. After abolition of the Personal and Miscellaneous Inams of the inamdars in respect of the lands in question, the rights and privileges given to them were conferred under Sections 9, 14 to 17 of the Act. Section 9 of the Act makes it explicitly clear that with effect on and from the date of vesting of the inam lands with the State Government, the inamdars are entitled to be registered as occupants of the inam lands though the same is abolished. The State Government, on the basis of the Revenue Records which are in their



possession, in unequivocal terms has stated in its order that the lands are inam lands; that application was filed by the inamdars under Section 10 of the Act within the period of limitation prescribed in the statute was pending for registration of occupancy rights of the granted lands in their favour before the Land Tribunal is noticed, therefore he has rightly passed the conditional order as the rights of the inamdars were not extinguished as provided under Section.10(3) sub-clause-(ii)(b) of the Act. Therefore, we have to hold that the State Government has no jurisdiction and power to pass the sanction order in respect of the lands in question to grant the lands in favour of the Sangha by the Spl.D.C granting Authority. Since the application of inamdars was pending before the Land Tribunal to register them as occupants in respect of the very same lands as their rights were recognised under Section.9 of the Act as on the date of the said orders, the lands did not vest absolutely in the Government as provided under Section.10 sub-section.(3) clause(2) of sub-clause (II)(b) of the Act. Therefore, we have to hold that the



State Government had no power to pass the sanction order and consequent upon this order the Spl.D.C of Bangalore District also had no power to pass the grant order in respect of the lands in question granting the same in favour of the Sangha. In view of the reasons stated supra certainly the State Government is justified in passing the impugned order cancelling the grant and ordering resumption and restoration of the lands in favour of the inamdars pursuant to the direction issued by the Apex Court in its order in the S.L.P filed by some of the inamdars against the order passed in the Writ Appeal referred to above and also on the basis of the condition incorporated in the order of sanction and grant order passed by the State Government and Spl.D.C. Therefore, the legal contentions urged by Mr.V.Lakshminarayana, Mr. S.K.Venkata Reddy on behalf of the contesting respondents and the learned Addl.Govt.Advocate in this regard are well-founded, perfectly legal and valid and the same shall be accepted by this Court. The decisions relied upon by Mr.V.Lakshminarayana on behalf of the contesting



respondents/inamdara which are referred to in the earlier paragraphs of this judgment on the above legal contentions with all fours are applicable to the case on hand.

30. The sanction order and grant order referred to above are also void abinitio in law in view of the legal submissions made by Mr.S.K.Venkata Reddy placing reliance upon the provisions of Sections 79-A, 79-B and 63(7) of the K.L.R.F Act. The reason is that the Sangha is not an agriculturist and it was not entitled to hold agricultural land. It is not a farmers co-operative society; its annual income must have been more than Rs.2,50,000/- as on the date of sanction and grant order passed by the State Government and Spl.D.C as its members are Teachers who are salaried persons. Even if it was entitled to hold agricultural lands, the granted lands are in excess of 20 units, hence the sanction and grant order are bad in law in view of Section 67(3) of the K.L.R.F Act.



31. Mr.V.Lakshminarayana learned counsel on behalf of some of the inamdars rightly placed reliance upon the decisions of the Apex Court referred to supra to contend that the sanction order and grant order are void abinitio in law and therefore they are nullity in the eye of law. The rights given under the provisions of the Act to the inamdars in respect of the lands in question cannot be whittled down by the State Government in exercise of its power under Rule 38 of the Land Grant Rules.

32. For the purpose of grant of lands in favour of eligible persons under the provisions of the Land Grant Rules, certain procedure is prescribed, which is mandatory in nature. Under Rule 3, the Tahsildar has to prepare and publish the list of lands available for disposal. Under Rule 4, land can be granted only for agricultural purpose in favour of eligible persons and subject to the limitation of the holdings of land of the applicants as prescribed therein. Under Rule 5, reservation of the available land for grant shall be made to various categories of persons as mentioned in the

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Rule. While disposing of the lands available, priority should be given to the persons as mentioned under Rule 6. The other provisions of the Land Grant Rules also deal with grant of agricultural lands. Rule 17-A of the Rules has prescribed the procedure for grant of lands for non-agricultural purposes. Rule 18-A, with which we are concerned, pertains to grant of land for house site schemes and it reads thus:-

"18-A. Grant of land for House Site Scheme, etc:-
Notwithstanding anything contained in these rules:-

(i) the Deputy Commissioner may make available the land belonging to the State Government for the purpose of grant of house sites to siteless persons under any scheme as may be framed by the Government from time to time;

(ii) committee, if any, constituted under such scheme shall subject to the general or special orders of the Government in the concerned Department select the beneficiaries under the relevant scheme and sent the list of selected beneficiaries to the Tahsildar; and

(iii) the Tahsildar or any other officer specified by the



Government shall on receipt of such list of selected beneficiaries grant house sites to the beneficiaries and also issue grant certificate in such manner and subject to such restrictions and conditions as may be specified by the concerned Department of the Government from time to time.")

A plain reading of the above provisions of the Land Grant Rules abundantly make it clear that for grant of land in favour of Association for allotments of house sites in favour of its members, (i) the Deputy Commissioner may make available the land belonging to the Government for grant of house sites to siteless persons under any scheme to be framed by the Government; (ii) that the Committee constituted under the scheme shall select the beneficiaries and send the list to the Tahsildar and (iii) house sites shall be granted to such beneficiaries subject to such restrictions and conditions that may be imposed from time to time. The mandatory procedures to be followed by the State Government and the Spl.D.C for grant of land in favour of the Association in the instant case at



the time of passing the sanction and grant orders respectively is not followed.

33. Rule 20 of the Rules empowers the State Government for grant of land in favour of Housing Board, Grama, Tahuk or Zilla Panchayats, Co-operative Societies and other statutory bodies. The Sangha/Association being a society registered under the Karnataka Societies Registration Act, 1960 it is not included in Rule 20 of the Rules for grant of the lands by the granting Authority. Under Rule 21, lands can be granted in favour of religious and charitable institutions. The Sangha/Association is not such an institution. Under Rule 22, land can be granted in favour of industrial concerns. The Sangha/Association is not an industrial concern. Thus, the Association is not entitled for grant of either agricultural land or house sites or for any other non-agricultural purposes. That being the position, the State Government should not have passed the order sanctioning grant of the lands in question in favour of the Sangha/Association nor the Spl.D.C should have granted the same in its favour for



the purpose of formation of residential layout and to allot the sites in favour of its members. Hence, the sanction order and grant order are void ab initio in law as neither the State Government had power to pass grant order nor the Special Deputy Commissioner had power to grant the lands in favour of the Sangha/Association as the same are undisputedly inam lands.

34. The decisions relied upon by Mr.S.K.Venkata Reddy on behalf of some of the contesting inamdars/respondents in support of his contention that one arm of law cannot be used to defeat the other arm of law, are squarely applicable to the fact situation and the contentions urged in that regard are well-founded, in this regard he has relied upon the decisions of the Apex Court reported in (1996) 1 SCC 443 para 19(h) (BIHARILAL JAISWAL & ORS. Vs. COMMISSIONER OF INCOME TAX & ORS.) and 2004(6) SCC 588 (M.C.MEHTA Vs. UNION OF INDIA & ORS.) therefore the same must be accepted by this Court and answer the points in favour of the contesting respondents.



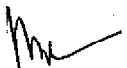
Hence, we have no other option but to hold that the sanction order and grant order are void abinitio and cannot be sustained in law. Relevant portion of para 19(h) in **Biharilal's** case referred to supra is extracted hereunder:

"19(h). x x x x x x There is no reason why such a benefit should be extended to persons who have entered into a partnership agreement prohibited by law. One arm of law cannot be utilised to defeat the other arm of law. Doing so would be opposed to public policy and bring the law into ridicule. It would be wrong to think that while acting under the Income Tax Act, the Income Tax Officer need not look to the law governing the partnership that is seeking registration. It would probably have been a different matter if the Income Tax Act had specifically provided that registration can be granted notwithstanding that the partnership is violative of any other law - but it does not say so."

Hence, we answer the first two points framed by us in favour of the inamdars and against the Sangha, its members and the purchasers who are the petitioners in these proceedings.

35. RES JUDICATA: - Point No.4:-

The learned counsel Mr.V.Lakshminarayana has further rightly contended that rule of procedure cannot



supercede the law of the land, in support of this contention he has placed reliance upon the decisions of the Apex Court and this Court reported in **AIR 1991 SC 993 para 6 (SMT.ISABELLA JOHNSON Vs. M.A. SUSAI)**, para 6, **AIR 1988 SC 1531 (A.R.ANTULAY Vs. R.S.NAYAK)**, **AIR 1996 KAR 193 para 11 (N.SREEKANTALAH Vs. M.N.MALLIKARJUNALAH)**. Further he has safely placed reliance on the decision of the Apex Court reported in **2004(1) SCC 712 (DHARAM DUTT & ORS. Vs. UNION OF INDIA & ORS.)** and contended that the order of the Division Bench merged with the order passed in SLP destroys the finding of the judgment of the Division Bench in the Writ Appeal referred to supra. Therefore, the findings and reasons recorded in the order passed by this Court in the earlier writ petition were not in existence at the time of passing the impugned order or cancellation of grant of land and resumption and restoration of 182 sites in favour of the inamdars passed by the State Government. Therefore, in our view, the observations and ratio laid down in the aforementioned decisions of the Apex Court and this



Court upon which reliance is rightly placed by the learned counsel for the inamdars are applicable to the fact situation to hold that the earlier order passed in the Writ Appeal by this Court does not operate res-judicata. Hence, the legal contention pertaining to res judicata urged by the Sr.Counsel and other counsels for the petitioners is liable to be rejected as there is no merit in this contention, accordingly rejected.

36. It is not in dispute that the application filed by the inamdars seeking conferment of occupancy rights in respect of the lands in question was considered by the Land Tribunal and they have been registered as such and that order became final as no appeal is filed against the said order by anybody and therefore the same is binding upon the parties. In support of this legal contention the learned counsel Mr.V.Lakshminarayana for inamdars has rightly placed reliance upon the decision reported in **AIR 1980 SC 133 (CHENCHULAKSHMAMMA & ANR. Vs. SUBRAHMANYA REDDY.** The order of the Land Tribunal cannot be questioned by the petitioners in

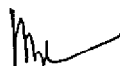


these proceedings as per the decisions reported in 1966(1) Mys.L.J 655(F.B) (T.SRIRANGACHAR & ANR. Vs. STATE OF MYSORE) and 1995(5) K.L.J 459(D.B)(ANJANAPPA & ORS. Vs. BYRAPPA (SINCE DECEASED) BY LRs. The interpretation of the order of the Land Tribunal with reference to the provisions of the Inams Abolition Act and Rules which is sought to be made by Mr.U.L.Bhat, learned Senior Counsel on behalf of the Association that the premium was not directed to be paid by the inamdars in respect of the lands in question pursuant to the grant of occupancy rights in their favour, which legal and factual contention of him is wholly untenable in law as the occupancy rights of the lands had been granted in favour of the inamdars by the Land Tribunal after satisfying on facts, legal evidence on record and law holding that they are entitled to be registered as occupants and therefore in law they are liable to pay the premium upon the lands is the legal consequence that shall follow. Failure to issue such direction to the inamdars in the order for payment of premium by the Land Tribunal does not



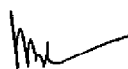
vitiating the order and the rights of the inamdars upon the lands in question are not extinguished as contended by the learned Sr.Counsel Mr.U.L.Bhat. Therefore the lands in question did not vest with the State Government absolutely. The rights of the inamdars for conferment of the occupancy rights in respect of the lands in question is recognised U/sec.9 of the Act and the State Government has retained its statutory power under Section.10 of the Inams Abolition Act for grant of occupancy rights in favour of the inamdars, therefore the intention of the Legislature under the provisions of Sections.7 and 9 the rights of the inamdars even after abolition of Inams under the Act are intact and therefore the same should not have been meddled with by the State Government and Spl.D.C, this position of law is well settled in the decision of the Apex Court reported in 1969(1) SCC 713 paras 9 and 10 (SHIVASHANKAR PRASAD SHAH & ORS. Vs. BAIKUNTH NATH SINGH & ORS.) which paragraphs are extracted hereunder:-

"9. The consequences of the vesting of an estate is set out in Section 4. Section 4(a)



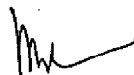
provides that once an estate vests in the State the various rights in respect of that estate enumerated therein shall also vest in the State, absolutely free from all encumbrances. Among the rights enumerated therein undoubtedly includes the right of possession. In view of Section 4(a) there is hardly any doubt that the proprietor loses all his rights in the estate in question. After setting out the various interests lost by the proprietor that section proceeds to say, "such proprietor or tenure-holder shall cease to have any interests in such estate or tenure, other than the interests expressly saved by or under the provisions of this Act". In order to find out the implication of the clause extracted above we have to go to Section 6 which provides that on and from the date of vesting all lands used for agriculture or horticultural purposes which were in khas possession of an intermediary on the date of vesting (including certain classes of land specified in that section) shall subject to the provisions of Section 7-A and 7-B be deemed to be settled by the State with such intermediary and he shall be entitled to retain possession thereof and hold them as a raiyat under the State having occupancy rights in respect of such lands, subject to the payment of such fair and equitable rent as may be determined by the Collector in the prescribed manner.

10. Reading Sections 3, 4 and 6 together, it follows that all estates notified under Section 3 vest in the State free of all encumbrances. The quondam proprietors and tenure-holders of those estates lose all interests in those estates. As proprietors they retain no interest in respect of them whatsoever. But in respect of the lands enumerated in Section 6 the State settled on



them the rights of raiyats. Though in fact the vesting of the estates and the deemed settlement of raiyats rights in respect of certain classes of lands included in the estates took place simultaneously, in law the two must be treated as different transactions; first there was a vesting of the estates in the State absolutely, and free of all encumbrances. Then followed the deemed settlement by the State of riyat's rights on the quondam proprietors. Therefore in law it would not be correct to say that what vested in the State are only those interests not coming within Section 6."

In view of the above legal position, absence of a direction to be issued to the inamdars for payment of premium of the lands in question after determining their rights and the order passed by the Land Tribunal to register them as occupants in respect of the lands in question cannot be found fault with by this Court, the procedural lapse on the part of the Land Tribunal shall not supersede the legal rights of the inamdars in respect of the lands in question under the provision of the Inams Abolition Act, in support of this legal contention urged by the learned counsel Mr.V.Lakshminarayana he relied upon the decision of the Apex Court reported in **AIR 1991 SC 993 para 6 (SMT.ISABELLA JOHNSON Vs. M.A.BUBAI(DEAD) BY LRs.)** and the decision of



this Court reported in 1966 Mys.L.J 655 para 3 (T.SRIRANGACHAR & ANR. Vs. STATE OF MYSORE) and 1967(2) Mys.L.J 573 (D.S.THAYAMMA Vs. STATE OF MYSORE) wherein the Apex Court and this Court have observed stating that this Court cannot assume the power of appellate authority in these proceedings to examine the legality and validity of grant of occupancy rights in favour of the inamdars in respect of the land in question by the Land Tribunal.

37. Since the lands in question were vested with the State Government under Section.1 (4) of the Inam Abolition Act and in view of the rights conferred upon the inamdars under Section 9 of the Inams Abolition Act to claim occupancy rights upon the lands in question and the application of the inamdars in that connection was pending consideration before the Land Tribunal, the State Government had no jurisdiction to exercise its power and grant the inam lands in favour of the Sangha under the Land Grant Rules. More over, the above legal contention in this regard was neither urged on behalf of the inamdars nor considered in the earlier writ

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proceedings. Hence, the legal contention urged by the learned Sr.Counsel Mr. U.L.Bhat that the decision in the earlier Writ Petition and Writ Appeal referred to supra operates as res judicata, cannot be accepted by us. The decisions of the Apex Court reported in AIR 2000 SC 1238(SAJJADANASHIN SAYED Vs. MUSA DADABHAI UMMER & ORS.), 2004(1) SCC 712(DEHARAM DUTT & ORS. Vs. UNION OF INDIA & ORS.), AIR 1995 SC 2001(P.M.A METROPOLITAN Vs. M.M.MARTHO), AIR 1996 SC 2367 (STATE OF MAHARASHTRA Vs. M/s. NATIONAL CONSTRUCTION CO. BOMBAY). and ILR (16) Calcutta 98 (CHAND KOUR & ANR. Vs. PARTAB SINGH & ORS.) relied upon in this connection by Mr.V.Laxminarayana are squarely applicable to the case on hand. Non-consideration of the case of the inamdars by this Court in the earlier Writ Petitions with reference to the provisions of the Inams Abolition Act and law laid down by the Apex Court on various aspects which are dealt with in this order has rendered the decision of the Division Bench per incurium, in this



connection, the learned counsel for inamdars has rightly relied upon the decisions reported in 2004(7) SCC 558 (NIRMAL JEET KAUR Vs. STATE OF MP & ANR.) para 20, AIR SCW 2005 page 2203 (SHAKUNTALA DEVI Vs. KAMLA & ORS.) para 15.

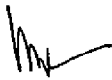
LEGALITY OF KARAR:- Point No.3

38. No doubt, in the Original Suit No.687/1979 filed by some of the inamdars against Sangha/Association on the file of the II Munsiff, Bangalore came to be withdrawn by them on 03/11/1980 by executing a karar in favour of Sangha/Association as the matter in relation to the lands in question was settled between the parties. The said karar was executed by some of inamdars when their rights in respect of the lands in question at that time was not crystalised as their rights were not determined by the Land Tribunal under the provisions of the Inams Abolition Act. Therefore they had no rights and title upon the lands in question to enter into such a karar with the Sangha/Association as the lands in question were already vested with the State Government



under Section 1(4) of the Act, therefore, they were not the owners of the granted lands to execute the karar in favour of Sangha to settle the matter, therefore, the karar cannot be relied upon by the Sangha to contend that the inamdars have settled their claim with the Sangha/Association. Their claim of registration of occupancy rights of the lands in question was still pending consideration before the Land Tribunal when the said karar was executed by them. Hence, the karaar entered into by them is void abinitio in law. That apart, the karaar pertains to the immovable property and it is an unregistered document, therefore the said karaar upon which petitioners have placed strong reliance do not render any assistance to their case that the statutory rights of the inamdars had either extinguished or deprived upon the lands in question as held by the Apex Court in **AIR 1958 SC 532 (SMT.SHANTABAI Vs. STATE OF BOMBAY)**, as the said contract or agreement is void abinitio in law.

39. When the karaar was entered into between the parties, the lands in question stood vested in the State



Government which is subject to the rights of the inamdars upon the same to register them as occupants.

If at all any such karaar or contract or agreement in respect of the inam lands which were vested with State Government was to be entered into, the State should have been made a party to the same, otherwise the same is not binding upon the State Government. This position of law is laid down by the Apex Court in the case reported in **AIR 1966 SC 1637 (ANWAR KHAN MEHBOOB CO. Vs. STATE OF MADHYA PRADESH)**.

The said karaar was also contrary to the statutory rights conferred upon the inamdars upon the lands in question under Section 9 of the Inams Abolition Act and therefore it is opposed to public policy, hence the same is void abinitio in law and therefore the same is unenforceable in law, on the basis of such a karaar, the petitioners cannot seek to quash the impugned order. In view of the clear pronouncement of law by the Apex Court in the above case the karaar has no legal sanctity and therefore, either the Association or its members cannot claim right over the lands in question on the



basis of such a void and illegal karaar document. The decision reported in 1999(5) SCC 199 (RAJA SOMASEKHAR CHIKKA & ANR. Vs. MPADURAVATAMMA & ORS.) = AIR 1999 SC 1371 is rightly pressed into service in this regard by the learned counsel on behalf of the inamdars.

40. On the strength of the karaar entered between the parties in respect of the lands in question, the petitioners cannot contend that the inamdars are estopped from asserting their rights over the lands in question or pursuing the matters by challenging the sanction and grant order in the earlier Writ Proceedings and the SLP. The above contention put forward by the learned Sr.Counsel and other learned counsels on behalf of the petitioners that the karaar operates as promissory estoppel or that the inamdars have waived of their rights upon the lands in question by entering into such a karaar, are wholly untenable in law and cannot be accepted by this Court. The decisions relied upon by the learned Sr.Counsel Mr. U.L.Bhat in support of the contentions do not render assistance in support

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of the case of the petitioners as the karaar was illegal as the same is opposed to the statutory provisions of Section 9 of the Inams Abolition Act, therefore the same is opposed to public policy of the State Government and therefore the same is void and unenforceable in law. In view of the law declared by the Apex Court in the case referred to supra in the preceding para of this judgment the parties to the karaar in respect of the lands in question had no rights or power to execute the same in favour of the Sangha. Therefore, the decisions relied upon by the learned counsel Mr. V. Lakshminarayana on behalf of some of the inamdars have to be applied to the case on hand. In the matter of immovable property the question of either waiving or acquiescing rights of the inamdars do not arise at all. On the other hand, the right conferred by law upon the inamdars are saved and the same cannot be deprived of by the Sangha/Association by entering into karar and on this basis the plea of either waiver, estoppel or acquiescence by the inamdars do not arise at all, in this regard the decisions reported in **AIR 1961 SC 1327 (BEAU RAM**



Vs. BALJ NATH SINGH & ORS.), 2004 SC 4344 (RAMBHAU NAMDEO GAJRE Vs. NARAYAN BAPUJI DHOTRA (D) BY LRs.), 2003(3) SCC 541(P.M.LATHA & ANR. Vs. STATE OF KERALA & ORS. para 13 and AIR 1971 MYS 66 (CHENNAVEERIAH & ORS. Vs. MYSORE REVENUE APPELLATE TRIBUNAL) which are relied upon by the learned counsel on behalf of the inamdars would with all fours supports the case of the contesting respondents. The Supreme Court has held that the act of the parties cannot extinguish their lawful and statutory rights upon the lands in question conferred under the provisions of the statutory enactment. In this context, the decisions reported in 2000(4) SCC 326(SHIVDEV SINGH & ANR. Vs. SUCHA SINGH & ANR.), 1998(3) SCC 471 (TARSEM SINGH Vs. SUKHMINDER SINGH), AIR 1968 SC 1218 (MULAMCHAND Vs. STATE OF MADHYA PRADESH) para 6 are rightly relied upon by the learned counsel Mr.V.Lakshminarayana. As per the decision of the Apex Court reported in 1989(3) SCC 132 (MARATHWADA UNIVERSITY Vs. BESHRAO BALWANT RAO CHAVAN)

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para 27, if the contract is void the same will not confer or deprive any right upon the party.

41. LOCUS STANDII OF THE PETITIONERS/

PURCHASERS:- POINT-6. This point pertains to the locus standii of the purchasers of sites and maintainability of their Writ Petitions. Though we have answered the above contentious point in favour of the inamdars for the reasons recorded by us in this judgment, this point has to be answered in favour of the petitioners/purchasers as they are bona fide purchasers from the allottees of the sites, they must have purchased the sites after being satisfied with the approved layout plan by the B.D.A, allotment of sites in favour of the vendors, katha of their respective sites in their names were got entered in their favour in the record of Bangalore Mahanagara Palike. The documents of encumbrance certificate and other documents are produced in support of their contention that they are bonafide purchasers of their respective sites. The impugned order is passed by the State Government directing Deputy Commissioner to resume



and restore 182 sites formed in the layout of the Sangha/Association to the inamdars in respect of which they have also acquired valuable rights of ownership, by way of sale deeds executed by either allottees or others, the same may be defective for the reasons recorded by us on the contentious points No.1 to 5 in this Judgment. Since they have acquired title over immovable property of their respective sites, they are necessary and proper parties as the directions issued by the State Government in its order and the impugned notification issued by the Deputy Commissioner entails serious civil consequences upon them. Therefore, the writ petitions filed by them questioning the correctness of the impugned order and notification are maintainable in law.

LEGALITY OF IMPUGNED ORDER Point No.7:-

42. The sanction and grant orders passed by the State Government and Spl.D.C in respect of the lands in question were subject to the rights of the inamdars under Section.9 of the Inams Abolition Act to seek grant of occupancy rights by filing the application within the

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prescribed period under Section.10 of the Act. The words "subject to" used in the above orders shall be understood by us as mentioned in Blacks Law Dictionary and Chamber's 20th Century Dictionary, it means 'subservient'; therefore grant of the lands in favour of the Sangha/Association for the purpose of formation of residential layout and allot the sites in favour of its members was subject to the order that was to be passed by the Land Tribunal on the application of the inamdars under Section 9 of the Inams Abolition Act in respect of the very same lands. Since the Land Tribunal conferred occupancy rights in favour of the inamdars in respect of the lands in question by order dt.23/6/1982, the sanction order and grant order have vanished and lost their significance. The condition imposed by the State Government and Spl.D.C in their orders while granting the lands in favour of the Sangha is legal and valid as held by the Apex Court in the cases reported in AIR 1961 SC 1152 (BALAKRISHNA & SONS Vs. STATE OF MADRAS para 5, AIR 1951 SC 41 (CHARANJIT LAL CHOWDHURY Vs. UNION OF



INDIA & ORS.) and 1955 SCR 777 (THE STATE OF BOMBAY Vs. BHANJI MUNJI & ANR.. The State Government has exercised its power retained in the order of sanction by invoking its right as held in **AIR 1963 SC 703 (GUJARAT UNIVERSITY & ANR. Vs. SHRI KRISHNA) & AIR 1963 SC 1128(MYSORE STATE E.BOARD Vs. BANGALORE W.C. & S.MILLS), 2003(4) SCC 86 para 35 (M.V.SHANKAR BHAT & ANR. Vs. CLAUDE PINTO & ORS.), AIR 1964 SC 207 (SOUTH INDIA CORPORATION (P) LTD Vs. SECY. BOARD OF REVENUE, TRIVANDRUM & ANR.).** and passed the impugned order cancelling the grant and directing the Deputy Commissioner of the District for resumption and restoration of the lands to an extent of 182 sites which are vacant. The same is legal and valid.

43. It is also to be noted that though the Apex Court dismissed the SLP of the inamdars, however liberty was granted to the inamdars to approach the State Government in its order. It is nothing but a mandamus to the State Government as held by the Apex Court in the case reported in **2000(4) SCC 625**



(GOVT. OF A.P. & ORS. Vs. GUDEPU SAILOO & ORS.)

and pass appropriate order. Therefore, there is no merger of the order of Division Bench with the order of the Apex Court, in this regard reliance is rightly placed upon the decision of the Apex Court reported in **2002(5) SCC 361 (SHANMUGAVEL NADAR Vs. STATE OF T.N & ANR.)** para 7 which relevant paragraph is extracted hereunder:

"7. When the Full Bench took up the hearing of the case, the order of the Supreme Court dated 10/9/1986, referred to hereinabove, was brought to its notice. The Full Bench formed an opinion that in view of the appeals against the Division Bench decision in M.Varadaraja Pillai case having been dismissed by the Supreme Court, though on technical ground, nevertheless the Division Bench decision of the Madras High Court stood merged in the decision of the Supreme Court according to the doctrine of merger and, therefore, it was no more open for the Full Bench to examine and consider the correctness of the law laid down by the Division Bench in M.Varadaraja Pillai case which, the Full Bench thought, would be deemed to have been affirmed by the Supreme Court in view of dismissal of the appeals thereagainst".

In view of grant of occupancy rights in respect of the lands in question by the Land Tribunal in favour of the Inamdars, the State Government is perfectly justified in



passing the impugned order. The same cannot be termed as either vitiated on account of abuse of power or manifest unreasonableness as contended by the learned counsel Mr.S.Vivek Reddy for some of the petitioners.

44. The submissions made with regard to the developments made on the lands by the Sangha/Association, such as formation of lay-out, allotments of sites made, constructions put-up etc., by some of the members/ purchasers cannot be a ground to quash the impugned order. The developments made on the lands in question is a relevant aspect which should be taken into consideration by this Court at this length of time. But, at the same time, the rights accrued to the inamdars by the grant of occupancy rights cannot be lost sight of or ignored by us because the order of the Land Tribunal became final and the benefit of the same shall enure to them.

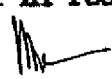
45. The legal contention urged on behalf of the petitioners that the condition imposed in the grant order



is not permissible in law is wholly untenable and liable to be rejected. Grant of land shall always be subject to certain terms and conditions and restrictions incorporated in the grant order by Spl.D.C. The same is binding on the grantee or the successors of the sites formed in the layout of the lands by the Sangha. The Sangha having accepted the grant order with the terms and conditions imposed, it cannot turn round now at this stage and contend that the conditions imposed therein are not binding on it, its members or subsequent purchasers. Such ground is not available for the petitioners to question the impugned order and we decline to interfere in the matter except to the extent indicated hereunder.

46. POINT-8: ENTITLEMENT TO RELIEFS:-

Having answered points 1 to 5 and 7 in favour of the inamdars except Point-6, for the reasons recorded by us in the earlier portion of this judgment after referring to the relevant and necessary facts, provisions of the Act, law laid down by the Apex Court and this Court, power of the State Government in respect of the inam lands



vested with it, statutory rights of the inamdars in respect of the lands in question conferred upon them and the applications filed by them before the Land Tribunal under Section.10 of the Act within the stipulated time, we hold that vesting of inam lands in the Government was not free from all encumbrances but subject to the right of the inamdars to seek occupancy rights before the Land Tribunal. For the foregoing reasons, no doubt we have answered the contentious points in favour of the inamdars but that by itself does not prevent us from granting reliefs for both the parties for the following reasons:-

47. The sanction order of the State Government in respect of the lands in question is dated 15-6-1979 followed by the conditional grant order dated 02/07/1979 passed by the Spl.D.C, Bangalore in favour of the Sangha. The sanction order and grant order passed by the State Government and Spl.D.C were not challenged by the inamdars except filing suit for declaration in O.S.No.4349/92 which came to be withdrawn by them by filing a memo on 17-6-1995 after



entering into karaar with the Sangha by receiving three lakhs rupees upon which strong reliance is placed which fact is not in dispute. No doubt, we have held that it is not binding on the inamdars as their title was not crystalised and State Government was not a party to the karar and it is a void and unenforceable agreement against them, nonetheless the intention and conduct of them will speak volumes that the original inamdars were satisfied with the settlement and therefore neither themselves nor LRs. of the inamdars have made any effort to challenge the legality and validity of the sanction and grant orders referred to supra. The relief sought in the writ petition filed by some of the inamdars was not granted to the inamdars but this Court has held that the grant of lands in question in favour of the Sangha as legal and valid, the Supreme Court gave certain directions to the State Government. Therefore the State Government has passed the impugned order, consequently the Deputy Commissioner has issued the notification which are questioned in these petitions.



48. The subsequent events that took place from the date of sanction and grant order in favour of the sangha are very relevant factors for this Court to mould the relief to both the parties on equity. The Sangha got the lay-out plan approved from the BDA in respect of the acquired lands, sites were formed by it by paying developmental charges to the above Authority, sites had been allotted in favour of its members from the year 1986 onwards, majority of allottees have got kathas of their sites in their names, houses have been constructed and most of them are residing therein. The right of residence for the members of the Sangha/Association is a fundamental right guaranteed under Article 19(1)(e) of the Constitution for meaningful life, which includes right to live under Article 21 of the Constitution of India.

49. As could be seen from the records produced in these cases allotment of sites was started by the Sangha in the year 1986 and went upto 1992. The inamdars did not raise any objections by approaching this Court or Civil Court or Land Tribunal seeking appropriate



orders of temporary injunction by filing application under Section 48(c) of K.L.R.F Act against the Sangha or its members except the institution of Original Suit which came to be withdrawn on 03/11/1980 by entering into karar with the sangha referred to supra. The silence on the part of the inamdars in this regard is an important aspect, which should have been taken note of by the Government while passing the impugned order in view of the subsequent events as held by the Apex Court in the case reported in **AIR 1975 SC 1409 (PASUPULETI VENKATESWARLU Vs. GENERAL TRADERS)**. No doubt, the inamdars have been litigating the matter from 1990 by filing Writ Petition but they have allowed the developmental activities on the lands in question for which the innocent allottee Teachers and others cannot be penalised at this length of time an account of the laxity on the part of the inamdars.

50. Even according to the report of the Tahsildar, on the basis of which the Minister for Revenue passed the order, 182 sites are vacant, which finding is



seriously disputed by the petitioners. But the fact remains that out of 571 sites formed, 3/4th members who are the allottees/purchasers have already constructed houses and they have been residing for more than two decades. In respect of other allottees, except for a few persons who have sold their sites in violation of terms and conditions of allotment their legitimate right of allottees/others to reside in their houses after construction will be deprived of pursuant to the direction issued in the impugned order by the State Government on the basis of the direction issued by the Supreme Court in the SLP. This important aspect of the matter should have been taken into consideration by the State Government at the time of passing the order impugned in these petitions.

51. The inamdars who are parties to the original suit, received three lakhs on 03/11/1980 by entering into karaar with the Sangha and withdrawn the Original Suit. It is a strong circumstance against them and for having kept quiet till 1990 until they filed Writ Petition eventhough the occupancy rights were conferred upon

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them in respect of the lands in question in the year 1982, thereby they allowed the Sangha to develop the lands and allot sites in favour of its members upon which constructions of residential buildings have been made by raising loans from Banks/Private parties.

52. The impugned order giving direction to resume and restore 182 sites may not be valid for the reasons stated supra. Therefore the reliefs should be moulded by awarding compensation and allotting sites in favour of the LRa. of the inamdars in the layout in question to do complete justice to both the parties instead of directing the Sangha, members, petitioners for resumption and restoration of 182 sites in their favour and allotment of other land would certainly cause great hardship to the members of the Sangha, its allottees and other petitioners. The impugned order passed by the State Government will certainly amount to discrimination between the allottees who have constructed the houses and the other allottees who have not constructed houses for valid reasons and some of them for genuine reasons have sold their sites. The aforesaid relevant



facts also weigh in our mind to mould the relief in favour of the petitioners also though we have answered the contentious points against them. This Court cannot answer the same differently in view of the undisputed facts, statutory provisions, the law laid down by the Apex Court and the directions issued in the S.L.P.

53. One more strong circumstance to mould the relief in favour of both the parties is, the litigation in respect of the land in question is going on for the last 16 years between the parties. We do not want to continue the litigation anymore as the litigation will disturb the peace and tranquility of all persons concerned with the land and we want to put an end to the same. That apart, as contended by Mr. Vivek Reddy, placing reliance on certain provisions of Administrative Law, reasonableness of the order is also required to be taken into consideration by us and therefore we have moulded the relief in exercise of our discretion on equity ground.



54. At the time of arguments, a memo is filed by the learned counsel for the Sangha along with resolution and the resolution reads thus:-

RESOLUTION

During the emergency meeting of members(Vacant site Owners) held on 29/01/2006 in the layout, it was resolved that-

"Without going into the legality of the matter(dispute) raised in High Court by virtue of Revenue Minister's order dated 23/12/2003 and subsequent Govt. orders that followed, which have been challenged by the Residents Association and site owners-

"To put an end to the litigation, the site owners have agreed to pay Rs.50,000/ (Rupees Fifty Thousand only) for 30 x 40 sites, and Rupees One Lakh for 60 x 40 sites"

The said amount will be paid only by the 134 site owners as per the order dated 05/04/2004 issued by the A.R.O, Madiwala ward-B.M.P. However in the said order of katha transfer the following sites viz, 149, 550, 233, 309, 321, 349 and 511 with partly constructed houses were also included by the inspecting authorities.

Accordingly the said amount will be paid only 127 vacant site owners. The shortfall of amount due to the exclusion of the seven partly constructed sites may be made up by including the unlisted vacant sites in the above said order.

/s/

"And the said decision is without prejudice to the rights of the members/owners to contest the matter if it is not settled"

We do not want to enter into the difference as to number of vacant sites, whether it is 182 or 127. We take it as 182 sites on the basis of report of Tahsildar which is mentioned in the impugned order. The amount of compensation offered is very meagre. To do justice to both the parties instead of resuming and restoring all the sites to the inamdars, taking into consideration the offer made, the market value of sites as on the date of grant of occupancy rights, the litigation costs incurred by the inamdars, we are inclined to enhance the amount offered by the Sangha.

55. For the reasons mentioned above, we proceed to pass the following order:-

a) Writ Petitions are disposed of as under:-

i) The direction issued to resume and restore 182 sites to the inamdars under Clause-(c) and the direction issued to the Government in Clause-(d) to examine to allot 20-00 acres of land in Sy.No148 of Kudlu village in



the impugned order dated 22/12/2003 are hereby quashed

a) The Sangha/Association shall allot to each legal representative of inamdars a site measuring 40 x 60 feet in the same layout. For that purpose, the contesting respondents shall furnish list of all the heirs of inamdars with proof within a week from the date of receipt of a copy of this order. The Sangha/Association shall consider the same and after being satisfied that the persons mentioned in the list are real L.Rs. of inamdars, allot the sites as indicated above.

b) In lieu of non-resumption and restoration of 182 sites, the Sangha shall pay compensation for each site at the rate of Rs. 1,00,000/- for 30 x 40', Rs. 1,75,000/- for 40 x 60 or proportional amount for any other lesser or higher dimension sites. The amount shall be paid to all the L.Rs of the inamdars equally;

(ii) Until allotment of sites and payment of amount as indicated above is completed by the Sangha/allottees/purchasers or any other persons acting on their behalf, on the vacant sites no construction shall be put-up, no alienation of the sites shall be made and status-quo shall be maintained.



iii) The L.Rs of inamdars are entitled to receive compensation in respect of the land acquired by the BDA for formation of road, if any.

iv) The Sangha/Association shall comply with the above directions within **eight weeks** from the date of furnishing the list of LRs. of the inamdars to them.

v) The Sangha/Association shall file compliance report to this Court after serving a copy on the contesting respondents or their counsel immediately after the expiry of **eight weeks** granted above.

56. List the matter after **12 weeks** for reporting compliance.

Sd/-
Judge

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Sd/-
Judge