

KARN020010982020



Presented on : 10-11-2020
Registered on : 10-11-2020
Decided on : 04-04-2026
Duration :5 Years, 04 Months, 24 days

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE AND C.J.M., AT RAMANAGARA.**

PRESENT:- SRI. LOKESHA B.A., LL.B.,
Prl.Senior Civil Judge and CJM,
Ramanagara.

DATED:- THIS THE 4th DAY OF APRIL, 2026

ORIGINAL SUIT No.331/2020

- Plaintiffs :1. Sri. Ahmed Khan
S/o late Anwar Khan,
aged about 49 years,
2. Sri. Nayaz Ahmed
S/o late Anwar Khan,
aged about 42 years,
3. Sri. Anif Khan
S/o late Anwar Khan,
aged about 40 years,
4. Sri. Amjad Khan
S/o late Anwar Khan,
aged about 37 years,

All are R/at No.17/1,
13th 'C' Cross,



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Padarayanapura,
Hosahalli Main Road,
Bengaluru-560026.

(Rep. by Sri. R.S.S. Adv.,)

-V/s-

- Defendants :1. M/s S.P.R. Sugars Pvt.Ltd.,
Private Limited Company,
Having its office at
Kanchugaranahalli Village,
Bidadi Hobli,
Ramanagara Taluk,
Ramanagara District.
Represented by its
Managing Director,
Sri. M. Thimmegowda.
2. Sri. T. Suresh Gowda
S/o M. Thimmegowda,
aged about 47 years,
R/at Muttegowdanadoddi,
Yerehalli Dhakale,
Harohalli Hobli,
Kanakapura Taluk,
Ramanagara District.
3. Karnataka Industrial Area
Development Board,
The Special Land Acquistioin
Office-I, No.39,
Shanthi Gurha, 4th floor,



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Bharath Scouts & Gaidis
Building, Aramani Road,
Bengaluru-560001.

Rep by Special Land
Acquisition Officer.

**(D-1 and 2 by Sri. R.K.S. Adv.,
D-3 by Sri. D.B.G. Adv.,)**

* * *

J U D G M E N T

This is a suit filed by the Plaintiffs against the Defendants for the relief of declaration of title and permanent injunction.

2. The case of the Plaintiffs in brief runs as follows:-

That the suit schedule properties bearing Survey No. 75/1 measuring 1 acre Sy.No.206/2 measuring 32 guntas, Sy.No.282 measuring 28 guntas, Sy.No.34/2 measuring 23 guntas and Sy.No.35/1 measuring 30 guntas, situated at Kanchugaranahalli, Bidadi Hobli, Ramanagara Taluk were



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originally belonged to plaintiff's father late Anwar Khan and he was in possession and enjoyment of suit properties as a absolute owner. On death of late Anwar Khan the plaintiffs being the class-I legal representatives have succeeded to the suit properties. That the name of the plaintiff's father was entered in the mutation No.2/1985-86 and M.R.H.39/2013-14. The name of the plaintiff's father mentioned in column No.9 and as well as column No.12 of RTC extract. The plaintiff's father Sri. Anwar Khan died on 10.12.2011 and their mother Zakira Bi died on 07.05.2016 leaving behind the plaintiffs as their legal heirs. On death of plaintiffs father and mother, plaintiffs continued to be in joint possession and enjoyment of the properties as absolute owner. On verification of the revenue records the plaintiffs, came to know the defendant No.2 has created a GPA as if it was executed by the plaintiff's father. The plaintiff's father never executed any general power of attorney in favour of the



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defendants No.2. Therefore, the 2nd defendant cannot acquire any title based on the sale deed dated: 29.09.1999. The 2nd defendant represented that by virtue of the power of attorney, he is the owner of the suit properties and as such he cannot convey any title in respect of the suit schedule properties to the 1st defendant. So, the defendant No.1 cannot become owner of the suit properties based on the sale deed executed by defendant No.1. The plaintiffs came to know about the sale deed only during the third week of February 2020. Thereafter, they verified the documents and obtained the certified copies of the sale deed. The cause of action arose for the plaintiffs on 28.02.2020, when the plaintiffs noticed the sale deed dated:29.09.1999 obtained by the 1st defendant and from the 2nd defendant, who claims to be owner of the properties, owner by virtue of the power of attorney. Hence, plaintiffs filed this suit and prayed for decree of the suit. Initially suit was filed against defendant



No.1 and 2.

3. On the other hand, in response to the suit summons, the defendant No.1 and 2 appeared before the court. The authorized officer of the 1st defendant company appeared before this court and filed his written statement by denying all averments of the plaint. The 1st defendant pleads that the 2nd defendant executed sale deed dated 29.09.1991 in favour of the 1st defendant and 1st defendant has been in possession and enjoyment of the suit properties without any disturbance from anybody by virtue of the sale deed executed by the 2nd defendant and the plaintiffs are totally stranger to the suit properties and they are no way concerned to the suit properties. The suit of the plaintiffs is barred by limitation. That plaintiffs have not properly valued the suit. That plaintiffs' father himself has approached the office of Sub Registrar and himself has executed power of



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attorney in favour of defendant No.2. Hence, question of non-execution of the GPA by the plaintiff's father does not arise. Due to the rising of price in the suit properties, the plaintiffs have filed this false suit for wrongful gain. Hence, defendant No.1 has sought for dismissal of suit.

4. During pendency of the suit, the Defendant No.3 who is the Karnataka Industrial Area Development Board is impleaded as defendant No.3 and no written statement is filed by Defendant No.3.

5. On the basis of the rival pleadings of the parties, this court has framed following issues Issues:-

1. *Whether the Plaintiffs prove that they are the absolute owners of the suit schedule properties?*
2. *Whether the Plaintiffs prove that they are in possession and enjoyment of the suit schedule properties?*



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3. *Whether the Plaintiffs prove the alleged interference by the Defendants?*
4. *Whether the suit is barred by limitation?*
5. *Whether the suit is properly valued?*
6. *Whether the Plaintiffs are entitled for the relief of declaration as sought for?*
7. *Whether the Plaintiffs are entitled for Permanent Injunction as sought for?*
8. *Whether the Plaintiffs are entitled for the relief/s as sought for?*
9. *What Order or Decree?*

6. In support of the case of the Plaintiffs, the 3rd plaintiff Arif Khan examined himself as PW.1, he has produced in all 13 documents as Exhibit P1 to 13. On the other hand, the defendants have not adduced any oral or documentary evidence. Hence case was posted for arguments.

7. I have Heard the arguments of the learned



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counsel Plaintiffs and Defendant No.1 and perused the case records.

8. My findings to the above issues are as under:-

- | | |
|-------------------|--|
| Issue No.1 & 2 : | In the Negative; |
| Issue No.3 : | Does not survive for consideration; |
| Issue No.4 : | In the Affirmative; |
| Issue No.5 : | In the Affirmative; |
| Issue No.6 to 8 : | In the Negative; |
| Issue No.9 : | As per the final order for the following:- |

R E A S O N S

9. Issues No.1 and 2:- As these issues are interconnected each other they have taken up together for discussion to avoid repetition of facts and evidence. To establish the case of the Plaintiffs, the Plaintiff No.3 Sri. Arif Khan files his chief affidavit by reiterating the averments of the plaint. The Plaintiffs have produced in all 13 documents as per Ex.P1 to 13. According to the



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plaintiffs, the plaintiff's father never executed any GPA in favour of defendant No.2 and as such the sale deed executed by defendant No.2 in favour of defendant No.1 representing that he is the GPA holder of the plaintiff's father cannot be accepted and sale deed executed by defendant No.1 in favour of defendant No.2 does not convey any title in respect of suit properties. The plaintiffs are ownership and in possession of the suit properties. Hence, they have sought for decree the suit. I have produced the documents produced by the plaintiffs. The plaintiffs have produced the RTC extract with respect to Survey No.75/1 i.e., suit Item No.1. They have also produced RTC extract that Exhibit P2 with respect to suit Item No.1 for the year 2020. It is true that, as per Exhibit P2, the khata of Item No.2 reflects in the name of the plaintiff's father. Exhibit P4 is the RTC of Survey No.282 i.e., suit Item No.3, from which, it revealed that khata suit Item No.3 reflects in the name of plaintiff's father.



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Plaintiffs have also produced Exhibit P6 which is the RTC of Survey No.34/2 i.e., suit Item No.4, from which it reveals that khata suit Item No.4 reflects in the name of plaintiff's father. Exhibit P7 is RTC of Survey No.34/2 i.e., suit Item No.4 for the year 2019-2020. Exhibit P9 is RTC of Survey No.35/1 i.e. suit Item No.5, from which it evident that khata of suit Item No.9 also reflects in the name of Anwar Khan. But as per the revenue records produced at Exhibit P2 to P9, it evident that khata of suit Item No.1 to 3 have been converted for non-agricultural purpose as indicated in column No.9 of the RTC extract. These are the revenue records relied upon by the plaintiffs to establish the title and possession of the suit properties.

10. In order to decide the evidentiary value of these revenue records, now I advert to the documents produced by the plaintiffs themselves, which is marked at Exhibit P10.



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Exhibit P10 is the certified copy of the sale deed executed by the plaintiff No.1 and his father in favour of the 2nd defendant Suresh Gowda. I have carefully scanned Exhibit P10. From perusal of Exhibit P10 sale deed dated 29.09.1999 it becomes very clear that suit Item No.1 to 5 have been alienated by the 2nd defendant by virtue of the GPA executed by plaintiffs father in favour of the 1st defendant. Exhibit P11 is the copy of the registered GPA dated 29.05.1999 executed by 1st plaintiff and her son. So as per Exhibit P11, the plaintiff No.1 and his father had authorized the defendant No.2 to execute the sale deed or gift deed or mortgage deed or any conveyance in respect of suit properties on their behalf. This is the authority given by the plaintiff No.1 and his father in favour of defendant No.2 by virtue of Exhibit P11. So, Exhibit P10 as I have already discussed above, sale deed executed by defendant No.2 in favour of the 1st defendant based on the authority given by



plaintiff No.1 and his father.

11. I have also perused the oral testimony of PW.1. PW.1 has been cross-examined by the learned counsel for the defendant No.1 and 2. PW.1, Arif Khan deposes that his father had 4 sons and he has produced the genealogical tree before the court. This PW.1 deposes that they came to know about the sale deed only in the year 2020. When, they received notice from KIADB. When a specific suggestion is made to PW.1 that as the suit properties have been acquired by KIADB, they cannot claim to be the owner of the suit property. PW.1 replies that still they continue to be in possession of the suit properties. PW.1 has categorically admitted that the 3rd defendant is impleaded as defendant No.3 in the year 2022. PW.1 admits that, since 2012 to 2020, khata has not been changed into their name though his father was died during the year 2012. When a specific



question is posed to PW.1, did they produce any document to show that possession over the suit property before the court. PW.1 replied that as the court has not asked for document, they have not produced such document. PW.1 deposes that he does not know the extent of suit sale survey numbers and boundaries. It is significant to note that during the course of cross-examination PW.1 has nowhere whispered. The Plaintiff has not executed any GPA with his favour in favour of Defendant No.2.

12. The learned counsel for the defendant No.2 would submits that Exhibit P11 GPA would not confer any right title on the defendant No.2. Therefore sale deed executed by defendant No.2 in favour of defendant No.1 also does not convey any title and it would not effect the title of the plaintiffs. In support of his contention the learned counsel for the defendant No.1 and 2, relied upon the judgment of



Hon'ble Apex Court reported in 2012(1) SCC 656. In case of **Suraj Lamp & Industries (P) Ld. Tr.Dir vs State Of Haryana & Anr.**, The learned counsel for the Defendant No.1, draw my attention to paragraph 23 wherein the lordships have held that, *“Therefore an SA/GPA will transaction does not convey any title nor creates any interest in an immovable property. The observations by the Delhi High Court in Asha M. Jain V. Canara Bank that the concept of power of attorney sales has been recognized as a mode of transaction when dealing with transactions by way SA/GPA/ will are unwarranted and not justified, unintentionally misleading the general public into thinking that SA/GPA/ will transactions are some kind of a recognized or accepted mode of transfer and that it can be a valid substitute for a sale deed. Such decisions to the extent they recognize or accept SA/GPA/ will transactions as concluded transfers, as contrasted from an agreement to transfer, are not good law.”*



13. In paragraph 24 it is also held that, *“We therefore reiterate that immovable property can be legally and lawfully transferred/conveyed only by a registered deed of conveyance. Transactions of the nature of GPA sales or SA/GPA will transfers do not convey title and do not amount to transfer nor can they be recognized or valid mode of transfer of immovable property. The courts will not treat such transactions as completed or concluded transfers or as a conveyance as they neither convey title nor create any interest in an immovable property. They cannot be recognized as deeds of title, except to the limited extent of Section 53-A of TP Act. Such transactions cannot be relied upon or made the basis for mutations in municipal or revenue records.”* In the case on hand, by executing Exhibit P11, the plaintiff not and his father had authorized the 2nd defendant to convey the suit properties on their behalf. So,



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on the strength of Exhibit P11 GPA, defendant No.2 has conveyed the suit properties in favour of defendant No.1 by virtue of the authority given to him by plaintiff No.1 and his father. So, therefore this Exhibit P11 is not a document of title claiming by the 1st defendant. So, based on Exhibit P10 the 1st defendant is claiming title and possession over the suit property. Therefore, with due respect to the dictum of this decision, I am of the humble opinion that decision may not be helpful for the case of the Defendant No.1 and 2. Moreover, as per the decision of the Hon'ble Apex Court, under GPA, the authority can be given to any person to act on behalf of the principal. So, therefore, by virtue of the authority given by the plaintiff No.1 and his father, defendant No.2 acted on behalf of the owner and he has conveyed the suit properties by virtue of Exhibit P10 sale deed in favour of defendant No.1. So, the plaintiff's father and plaintiffs have lost their title over the suit properties on



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the date of execution of Exhibit P10 sale deed itself and possession has been delivered to the 1st defendant by virtue of Exhibit P10 itself. Therefore, except revenue entry the plaintiffs have not produced any convincing document to show that still they have continued to be in possession of the suit property. Moreover, the suit properties have already been acquired by KIADB, under such circumstances, by virtue of the acquisition, the property vested with the government.

14. Under such circumstances it cannot be said that plaintiffs still continued to be in possession of the suit properties even after execution of Exhibit P10 sale deed. Exhibit P10 sale deed itself is belies the case of the plaintiffs that they are owners in possession of the suit properties. By executing Exhibit P11 the plaintiffs have lost their title and possession over the suit properties in the year 1999 itself.



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Under such circumstances no stretch of imagination it can be said that the plaintiffs continue to be owner of the suit properties. Therefore it can be said that the plaintiffs have failed to prove their title and possession over the suit properties. **Therefore, I answer issue No.1 and 2 in Negative.**

15. Issue No.3:- As the plaintiffs have failed to establish their title and possession over the suit properties, question of interference by the defendants does not arise at all. Moreover, PW.1 himself has admitted that suit properties have been acquired by KIADB. Under such circumstances question of interference of defendants does not arise at all. **Hence, Issue No.3 does not survive for consideration.**

16. Issue No.4:- As I have already discussed above, under Exhibit P10 suit properties has been alienated in



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favour of defendant No.1 on 29.09.1999 itself by defendant No.2 based on Exhibit P11 GPA. So, under Exhibit P10, possession of the property has been delivered on 29.09.1999 itself. So, by virtue of Section 3 of Transfer of Property Act, the date of registration of Exhibit P10 shall be construed as knowledge of sale date to the plaintiffs. So, computation period of limitation starts from the date of registration. So, it can be said that the plaintiffs had aware about the registration of the sale deed in the year 1999 itself. So, suit ought to have been filed within 3 years from the date of cause of action as per Section 58 of Limitation Act. But, suit is filed in the year 2020 after lapse of 21 years from the date of sale deed which is hopelessly barred by limitation. It can be said that as per Article 59 of Limitation Act, suit of the plaintiffs is clearly barred by limitation. **Hence, I answer Issue No.4 in the Affirmative.**



17. Issue No.5:- The plaintiffs have filed the suit for declaration of title with respect to the agricultural lands. The plaintiffs have valued the suit. As per Section 7(2) of Karnataka Court Fee and Suit Valuation Act, 1958. The suit is valued for the purpose of jurisdiction, ₹ 1,000/- paid by the plaintiffs is ₹ 25 plus ₹ 50. The suit is valued for the purpose of jurisdiction at ₹ 7,60,000/- and court fee is paid at ₹ 25/- as per Section 24(b) of the Karnataka Court Fees and Suit Valuation Act. As per the revenue records produced by the plaintiffs, the suit properties are still agricultural land. But, it is to be noted that during the course of argument, the learned counsel for the defendants produced copy of the conversion order, from which it evident that suit properties have already been converted for non-agricultural purpose in the year 1999 itself. So, this fact has not been cleared and proved by the defendant No.2. However, there is no material on record to show that suit properties have



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already been converted for non-agricultural purpose. So, as per the records still the suit properties continued as agricultural land. Unless there is a contra pleadings and proof by the defendants it cannot be said that as on the date of filing of the suit, suit properties were not agricultural lands. However, the valuation made by the plaintiffs has to be accepted with respect to the purpose of court fees and suit valuation. Therefore, it can be said that the plaintiffs have properly valued the suit. **Hence, I answer Issue No.5 in the Affirmative.**

18. Issue No.6 to 8:- For the reasons discussion on Issue No.1 and 2, as the plaintiffs have failed to establish the title and possession of the suit properties, the plaintiffs have not entitled for any relief. Moreover, the plaintiffs are not sought for cancellation of Exhibit P10 sale deed. So, it is the bounden duty of the plaintiffs to seek for cancellation of



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Exhibit P10 sale deed executed by 2nd defendant in favour of the 1st defendant. On this score also the plaintiffs are not entitled for any relief that to the relief of declaration of title and permanent injunction. Therefore, I come to conclusion that plaintiffs are not entitled for any relief as sought for in the suit. **Therefore, I answer is No.6 to 8 in the Negative.**

19. Issue No.9:- In view of my aforesaid reasons and discussions and my findings to the above Issues No.1 to 8, I proceed to pass the following:-

ORDER

The suit filed by the plaintiffs for declaration of title and permanent injunction is hereby dismissed.

Considering the circumstances of the case there will be no order as to costs.



Draw Decree accordingly.

(Judgment is dictated by me in the laptop through Adalat-ai provided by the Hon'ble High Court of Karnataka and then corrected and pronounced by me in the Open Court on this 4th day of April 2026).

(LOKESHA),
PRL.SENIOR CIVIL JUDGE & CJM.,
RAMANAGARA.

ANNEXURE

1. List of Witness/s examined on behalf of the Plaintiffs:-

P.W.1 : Sri. Anif Khan

2. List of documents exhibited on behalf of the Plaintiffs:-

Ex.P1 : Copy of RTC extract;
Ex.P2 to 4 : Online RTC extracts;
Ex.P5 : Copy of RTC extract;
Ex.P6 & 7 : Online RTC extracts;
Ex.P8 : Copy of RTC extract;
Ex.P9 : Computerized RTC extract;
Ex.P10 : Certified copy of sale deed
dated:29.09.1999;
Ex.P11 : General Power of
Attorney dated:29.05.1999;
Ex.P12 & 13 : Death Certificates.

3. List of Witness/s examined on behalf of the Defendants:-

-Nil-

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4. List of documents marked on behalf of the Defendants:-

-Nil-

PRL. SENIOR CIVIL JUDGE &
C.J.M., RAMANAGARA.