



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

**DATED THIS THE 23<sup>RD</sup> DAY OF FEBRUARY, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MR. JUSTICE S RACHAIAH**

**WRIT APPEAL NO. 417 OF 2025 (KLR-LG)**

**C/W**

**WRIT APPEAL NO. 53 OF 2025 (KLR-LG)**

**IN WA No. 417/2025**

**BETWEEN:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY,  
REVENUE DEPARTMENT,  
M.S.BUILDING,  
DR. AMBEDKAR ROAD,  
BENGALURU – 560 001.
2. THE DEPUTY COMMISSIONER  
DAKSHINA KANNDA,  
MANGALURU – 575 001.
3. THE ASSISTANT COMMISSIONER  
MANGALURU  
SUB-DIVISION,  
2<sup>ND</sup> FLOOR,  
TALUK ADMINISTRATIVE SOUDHA,  
MANGALURU – 575 001.





4. THE TAHSILDAR  
MANGALURU TALUK,  
MANGALURU,  
DAKSHINA KANNADA – 574 219.

...APPELLANTS

(BY SRI. M N SUDEV HEGDE, AGA)

**AND:**

1. SRI. G. RAMA MOHANA  
S/O LATE NARAYANA BHAT,  
AGED ABOUT 60 YEARS,  
R/AT LADA HOUSE,  
MONTEPADAVU,  
MANJANADI VILLAGE,  
MANGALURU,  
DAKSHINA KANNADA – 574 143.
2. SRI. G JAYAPRAKASH  
S/O LATE NARAYANA BHAT,  
AGED ABOUT 59 YEARS,  
R/AT LADA HOUSE,  
MONTEPADAVU,  
MANJANADI VILLAGE,  
MANGALURU,  
DAKSHINA KANNADA – 574 143.
3. SRI. G A ARAVINDA  
S/O LATE NARAYANA BHAT,  
AGED ABOUT 55 YEARS,  
R/AT LADA HOUSE,  
MONTEPADAVU,  
MANJANADI VILLAGE,



MANGALURU,  
DAKSHINA KANNADA – 574 143.

4. SRI. G N VISHWESHWARA  
S/O LATE NARAYANA BHAT,  
AGED ABOUT 52 YEARS,  
R/AT LADA HOUSE,  
MONTEPADAVU,  
MANJANADI VILLAGE,  
MANGALURU,  
DAKSHINA KANNADA – 574 143.

...RESPONDENTS

(BY SRI. O SHIVARAMA BHAT, ADVOCATE)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT PRAYING TO CALL FOR RECORDS AND SET-  
ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE  
DATED 05/03/2024 IN WP NO.6872/2024(KLR-LG) AND ETC.,

**IN WA NO. 53/2025**

**BETWEEN:**

1. STATE OF KARNATAKA  
REP. BY SECRETARY  
DEPARTMENT OF REVENUE  
M S BUILDING  
BENGALURU – 560 001.
2. THE DEPUTY COMMISSIONER  
MANGALURU



D K DISTRICT – 575 001.

3. THE THASILDAR  
BANTWAL TALUK  
D K DISTRICT – 574 211.

...APPELLANTS

(BY SRI. M N SUDEV HEGDE, AGA)

**AND:**

1. SMT. SRIVIDHYA  
W/O LATE SATHYAGANAPATHI BHAT  
PAMBATHAJE  
KAROPADY VILLAGE  
BANTWAL TALUK – 574 279.

...RESPONDENT

(BY SRI. O SHIVARAMA BHAT, ADVOCATE)

THIS WRIT APPEAL IS FILED U/S 4 OF THE  
KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE  
WRIT APPEAL AND SET ASIDE THE ORDER DATED  
19.04.2024 PASSED BY THE LEARNED SINGLE JUDGE IN  
WP No-24368/2021 AND ETC.,

THESE APPEALS, COMING ON FOR ORDERS, THIS DAY,  
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH  
and  
HON'BLE MR. JUSTICE S RACHAIAH



**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE D K SINGH)

The learned Additional Government Advocate for the appellants and the learned counsel for the respondents are in consensus that the subject matter of the present appeals is squarely covered by the judgment of this Court in Writ Appeal No.1801 of 2024 dated 23.10.2025, which reads as follows:-

*"The present writ appeal has been filed by the State impugning the judgment and order dated 19.09.2022 passed by the learned Single Judge in W.P.No.37404/2013 (KLR-LG), filed by the respondent.*

*2. For the sake of convenience, the parties are referred to as per their rankings before the learned Single Judge.*

*3. The petitioner was granted in all 9 acres 15 cents of agricultural lands in different extent in Sy.No.296/A measuring 8.46 acres and land bearing Sy.No.279/2 measuring 0.64 acres in Shiriyar Village and land bearing Sy.No.145/A measuring 0.05 acres in Yedthady Village of Udupi Taluk under the provisions of Rule 2(5) of the South Kanara District Lease of Lands for Cashew Cultivation Rules,1957. This grant was conferred on the*



*petitioner in the year 1958. Clause (2) of the said grant of the land would read as under :-*

*"2) The Grantee has to be option for the renewal of the lease on the expiry of the thirty year period if he has fulfilled the terms and conditions of the grant satisfactorily. The grantee shall also have the option to acquire permanent ownership of the land on the expiry of the thirty years on payment of the value of the land fixed at the time of the grant itself. The land value is fixed at Rs.100/- per acre."*

*4. The initial grant was for a period of 30 years and thereafter, the respondent was given right to opt for permanent ownership in respect of the land in question on payment of market value of the land. Under the terms of the grant, the market value of the land was fixed at Rs.100/- per acre. In the year 1999 i.e., vide order dated 10.05.1999 the revenue authorities demanded a sum of Rs.35,000/- per acre for granting permanent ownership in respect of the said land in favour of the petitioner.*

*5. The petitioner had filed W.P.No.20975/1999 impugning the said demand. This Court vide judgment dated 02.07.2003 quashed the impugned order dated 10.05.1999 and directed the authorities to reconsider the matter after giving an opportunity of hearing to the grantee. A direction was also given to determine the market value in accordance with law declared in W.P.No.5796/1995 and connected matters.*



6. Pursuant to the said judgment and order dated 02.07.2003 passed in W.P.No.20975/1999, the Deputy Commissioner vide order dated 23.07.2021 had fixed the market value at Rs.2,10,000/- per acre. Pursuant thereto the grantee had paid the market value of Rs.2,10,000/- per acre to become permanent owner of the said land. Thereafter on payment of the said amount at Rs.2,10,000/- per acre, saguvali chit was granted on 23.07.2012. However, the saguvalu chit contained one condition i.e., the grantee shall not alienate the land for a period of 25 years from the date of order dated 23.07.2012 passed by the Deputy Commissioner.

7. The said condition came to be challenged by the grantee in W.P.No.37404/2013. The learned Single Judge having considered the provisions of the grant as well as Rule 23(1) of the Karnataka Land Grant Rules 1969 (for short 'the KLG Rules') held the said condition in saguvali chit was violative of the provisions of the grant as well as Rule 23 of the KLG Rules and quashed the said condition in the saguvali chit.

8. Rule 23 (1) of the KLG Rules reads as under :-

**"Rule 23. Confirmation of lands to persons to whom the lands have been leased temporarily** - Notwithstanding anything contained in these rules,-

(1) Where, before the commencement of these rules agricultural lands were leased



*temporarily to any person for purposes of cultivation and the lease contemplated the subsequent grant of the land to the lessee and all the conditions of the lease have been complied with, such lands may be granted to the lessee by the Deputy Commissioner on payment of the price fixed by him in accordance with Rule 12."*

9. *Sri M.N. Sudev Hegde, learned AGA submits that Government is entitled to impose any condition while conferring permanent ownership on the grantee, after receiving the market value of the land. He further submits that grantee did not raise any objections, while depositing the consideration amount of Rs.2,10,000/- per acre and having accepted the order dated 23.07.2012, they could not have challenged the condition of not alienating the property for a period of 25 years from the date of the issuance of the saguvali chit.*

10. *We have considered the submissions made by learned counsels on either side.*

11. *Section 54 of the Transfer of Property Act, 1882 defines 'Sale', which means "a transfer of ownership in exchange for a price paid or promised or part paid and part promised." If the ownership is transferred then all the rights, title and interest get transferred. Transferee will not have any right to put any condition on a transfer*



*of the immovable properties on sale, after the transferee has paid the consideration. Further, the condition of non alienation for a period 25 years is against explicit provision of the lease of the grant, as clause (2) of the grant explicitly provides that after expiry of 30 years, the grantee would be entitled to acquire permanent ownership over the land on payment of the value of the land.*

*12. Once the grantee has opted to become the permanent owner of the land, granted in his favour on payment of the market value of the land, which was determined to be Rs.2,10,000/- per acre way back in the year 2012 and the grantee having paid the said consideration, imposition of condition for non alienation of the land for a further period of 25 years is not only against the grant condition but also against Rule 23(1) of the Karnataka Land Grant Rules, 1969, which has been extracted herein above.*

*13. In view thereof, we are of the considered view that there is no error in the impugned judgment and order passed by the learned Single Judge. We therefore **dismiss** this appeal, however with costs.*

*14. In view of disposal of the appeal, pending I.As, if any, stand disposed of."*



**NC: 2026:KHC:11171-DB  
WA No. 417 of 2025  
C/W WA No. 53 of 2025**

2. In view of the above submission and in terms of the judgment of this Court in Writ Appeal No.1801 of 2024 dated 23.10.2025, the writ appeals are ***dismissed***.

In view of dismissal of the appeals, pending I.A., if any, stands disposed of.

**Sd/-  
(D K SINGH)  
JUDGE**

**Sd/-  
(S RACHAIAH)  
JUDGE**

Bss  
List No.: 1 Sl No.: 15