

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Special Leave Petition (Civil) Nos 21393-21394 of 2013

The Deputy Inspector General

Petitioner(s)

Versus

P Srinivasa Reddy (D) By LRs and Others

Respondent(s)

W I T H

Special Leave Petition (Civil) Nos 21397 of 2013

ORDER

- 1 The Special Leave Petitions under Article 136 of the Constitution arise from a judgment dated 30 March 2012 of a Single Judge of the High Court of Karnataka in Review Petition Nos 154 of 2010 and 548 of 2011. There was a delay of 981 days in filing the petitions for review before the High Court. The applications for condonation of delay were dismissed, consequent upon which, the review petitions stand dismissed. The Special Leave Petitions also seek to impugn the judgment dated 29 June 2007 of the Single Judge of the High Court in Regular First Appeal No 1382 of 2005.

- 2 The Registry has reported delay of 2002 days in filing the Special Leave Petition against the original judgment of the High Court dated 29 June 2007 in the First Appeal and of 133 days in filing the Special Leave Petitions against the judgment of the High Court dated 30 March 2012 dismissing the review petitions.

- 3 The dispute between the parties arises in the following manner:
 - (i) On 23 September 1995, the Special Deputy Commissioner, Bangalore made a grant of 253 acres of land situated in Survey No 55 of Taralu Village, Uttarahalli Hobli, Bangalore South to the petitioner to establish a firing range.

 - (ii) In 1997, the third respondent instituted a suit – OS No 211 of 1997 – in the court of the First Additional Civil Judge (Senior Division), Bangalore Rural District, Bangalore seeking a declaration and injunctive relief;

 - (iii) The plaint was amended to seek the relief of possession in respect of the plaint 'B' Schedule property on the ground that the petitioner and the first and second respondents were in unauthorized occupation to an extent of 12 acres and 33 guntas of land in Survey No 55 comprised in the 'B' Schedule land;

 - (iv) The suit was contested by the petitioner on the ground that (a) the Government of Karnataka had sanctioned the grant of land to the extent

of 253 acres in favour of the petitioner for setting up a firing range; and
(b) a possession certificate was issued on 7 December 1995 and the
petitioner was in possession of the land.

- 4 By a judgment dated 1 September 2005, the First Additional Civil Judge, Senior Division, Bangalore Rural District dismissed the suit.
- 5 On 16 December 2002, the State Government cancelled the grant which was made in favour of the petitioner in respect of 253 acres of land.
- 6 The judgment of the trial court was carried in appeal in RFA No 1382 of 2005 before the High Court of Karnataka by the first respondent. By a judgment dated 29 June 2007, the High Court allowed the appeal and set aside the judgment of the trial court. In consequence, the first respondent was held to be the owner of the 'A' Schedule property described in the plaint and to be entitled to recover possession of 'B' Schedule property from the petitioner. Three months' time was granted to the petitioner to vacate and hand over vacant possession of the 'B' Schedule property to the first respondent. A permanent injunction was granted in favour of the first respondent in respect of the 'A' Schedule property and the injunction in respect of 'B' Schedule property was to be operative from the date on which possession was secured by the first respondent.
- 7 On 17 December 2008, on the request of the petitioner, the second respondent accorded approval for a fresh grant of 220 acres of land instead

and in place of the earlier grant of 253 acres in Survey No 55, Taralu village, subject to certain terms and conditions.

- 8 Against the judgment of the High Court dated 29 June 2007, a review petition was filed on 5 April 2010, being Review Petition No 154 of 2010. A separate review petition was also filed by the second and third respondents which was registered as Review Petition No 548 of 2011. The High Court by its judgment dated 30 March 2012 declined to condone the delay in filing the review petitions.
- 9 In consequence, this Court has been moved under Article 136 of the Constitution, both against the original order of the High Court in the Regular First Appeal as well as the order passed in the review petitions. The State of Karnataka has not challenged the order of the High Court before this Court.
- 10 During the pendency of these proceedings, certain developments have taken place. On 4 July 2019, an affidavit was filed in these proceedings by the Tehsildar, Bangalore South Taluk. The affidavit states that an extent of 253 acres in Survey No 55 of Taralu village, Bangalore South was initially granted to the Central Reserve Police Force by the Government of Karnataka by its order dated 5 July 1994. The total extent of land in Survey No 55 extends to about 555 acres. In his suit of 1997, the first respondent had claimed that his father had purchased an extent of 52 acres in Survey No 55 under a registered sale deed dated 9 March 1953. He claimed that his father was

cultivating the land after the introduction of the Inam Abolition Act and had applied for and was granted an extent of 52 acres in Survey No 55 of Taralu village. Under a family partition, the first respondent claims to have obtained an area admeasuring 14 acres which is the suit schedule property. The Tehsildar stated that in pursuance of the judgment and decree of the High Court in the First Appeal, a delivery warrant was issued by the executing court in Ex. No 129 of 2007. The land claimed by the first respondent was delivered and on 15 December 2007, the execution proceedings were closed by the executing court. It has also been stated in the affidavit that the State Government by its order dated 17 December 2008, published in the Extra Ordinary Gazette on 1 June 2009, partially modified its previous grant of land of 253 acres to the CRPF and instead granted land to the extent of 220 acres. The land granted in favour of the CRPF is free of encumbrances and charges.

- 11 An affidavit dated 5 March 2021 has been filed in these proceedings by the DIG (Works) attached to the Office of the Director General of the CRPF in New Delhi. The affidavit states that a fresh grant of 220 acres has been made to the CRPF after the judgment in the Regular First Appeal by an order dated 17 December 2008. According to the deponent, the relief sought by the first respondent would not in the circumstances survive. Paragraph 9 of the affidavit reads as follows:

“The land now granted in favour of the Respondent being

distinct from the land claimed in the suit, free from all encumbrances and the CRPF being in exclusive possession and enjoyment of the same, the aforesaid SLP may be disposed of recording the aforesaid submissions of the Respondents.”

- 12 We have heard Mr K M Nataraj, learned Additional Solicitor General appearing on behalf of the petitioner and Mr Basava Prabhu Patil, learned senior counsel appearing on behalf of the first respondent. These proceedings have been adjourned previously to enable the Additional Solicitor General to seek instructions on the factual position.
- 13 From the material which has been placed on the record and the submissions of the learned counsel, it has emerged before the Court that:
 - (i) In modification of the original grant of land to the CRPF which admeasured 253 acres, a fresh grant of land admeasuring 220 acres comprised in Survey No 55 has been made by the State government of Karnataka to the CRPF on 17 December 2008;
 - (ii) The first respondent executed the decree passed in the First Appeal by the High Court of Karnataka and pursuant to a warrant of possession, possession of the land forming the subject matter of the decree was handed over to the first respondent;
 - (iii) The land which has been allotted to the petitioner on 17 December 2008 is vacant and free of all encumbrances and does not include the

suit property.

14 In view of the above developments which have taken place in the meantime, nothing further remains for this Court to address in the present Special Leave Petitions. Though there is a delay in filing the Special Leave Petitions against the original judgment of the High Court in the First Appeal, we have nonetheless, adverted to the entire gamut of the controversy having regard to the fact that the matter has proceeded on merits with affidavits being filed particularly in the context of the subsequent developments which took place during the course of the litigation.

15 The Special Leave Petitions are accordingly disposed of.

16 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[M R Shah]

New Delhi;
July 20, 2021
CKB

ITEM NO.5 Court 5 (Video Conferencing) SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) Nos.21393-21394/2013

(Arising out of impugned final judgment and order dated 30-03-2012 in RP No.154/2010 30-03-2012 in RP No.548/2011 30-03-2012 in RFA No. 1382/2005 passed by the High Court of Karnataka at Bengaluru)

THE DEPUTY INSPECTOR GENERAL

Petitioner(s)

VERSUS

P.SRINIVASA REDDY (D) BY LRS.& ORS.

Respondent(s)

(With appln.(s) IA No.1/2012 - CONDONATION OF DELAY IN FILING)

WITH S.L.P.(C) No.21397/2013 (IV-A)

(With appln.(s) FOR CONDONATION OF DELAY IN FILING ON IA 1/2013)

Date : 20-07-2021 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

**Mr. K.M. Nataraj, ASG
Mr. B. V. Balaram Das, AOR
Mr. Shankar Divate, Adv.
Mr. Shailesh Madiyal, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Sharath Nambiar, Adv.**

Mr. B. Krishna Prasad, AOR

Mrs. Anil Katiyar, AOR

For Respondent(s) **Mr. Basava Prabhu S Patil, Sr. Adv.**
For R-1/1 **Mr. Darpan K.M., Adv.**
 Ms. Amrita Sharma, Adv.
 Mr. Rajat Jonathan Shaw, Adv.
 Mr. Hetu Arora Sethi, AOR

For R-1/2 & 1/3 **Mr. D. L. Chidananda, AOR**

For R-2 **Mr. V. N. Raghupathy, AOR**
 Mr. Md. Apzal Ansari, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The Special Leave Petitions are disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
COURT MASTER
(Signed order is placed on the file)