

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.4086-4087 OF 2010

DEVAMMA @ DEVEERAMMA (D) BY LRS. ETC. . . . APPELLANT (s)

VERSUS

SARASWATHAMMA & ORS. ETC. . . . RESPONDENT (s)

O R D E R

We have heard learned counsel for the parties.

From the record, it appears that the land was allotted to Nancy D'Souza and Isabella D'Souza by the Land Grant Committee headed by the Assistant Commissioner, B.M. D'Souza, husband of Nancy D'Souza and father of Isabella D'Souza. The allotment was made some time in April, 1974.

One of the conditions of the allotment was that the allottees/grantees could not transfer the land for a period of 15 years.

It is not very clear, but it appears that one Range Gowda was also granted/allotted some land on the same day and again it is not very clear, but somehow or the other, he came in possession of the land allotted to Nancy D'Souza and Isabella D'Souza.

The period of 15 years during which the land could not be alienated by the two allottees came to an end in 1989. Range Gowda passed away some time in 1991. Soon after he passed away, the land allotted to Nancy and

Isabella was sold by the two allottees to Devamma (since deceased), appellant (now represented by her Lrs.).

In 1995, the Lrs. of RangeGowda initiated proceedings against Devamma on the ground that the allotment made to Nancy D'Souza and Isabella D'Souza was illegal and the allotment should be set aside. Therefore, the transfer of land in favour of Devamma should also be set aside and, consequently, it should be allotted to the Lrs. of RangeGowda.

We need not go into the details of all the proceedings that took place except to say that by the impugned judgment and order passed by the High Court on 25<sup>th</sup> June, 2004, it was held that the Lrs. of RangeGowda were not entitled to the allotment of the land even if it were to be held that allotment in favour of Nancy D'Souza and Isabella D'Souza was illegal. The land could only be transferred to the pool of the State so that it could be allotted to landless persons.

It is submitted by learned counsel for the appellant that in fact Devamma was a *bona fide* purchaser of the land from Nancy and Isabella. RangeGowda did not challenge the allotment made in favour of Nancy D'Souza and Isabella D'Souza for 15 years. Even after the period of 15 years, no objection was raised by RangeGowda to the allotment of the land in their favour for two years till his death in 1991. Even thereafter, for four years his Lrs. did not challenge the allotment of land in favour of

Nancy D'Souza and Isabella D'Souza nor did they challenge the purchase of land by Devamma in 1991. It is only in 1995 that they initiated proceedings for allotment of the land in their favour but not for transfer of the land to the pool of the State.

Taking all these factors into consideration, it is quite clear that Devamma is a *bona fide* purchaser of land and in fact there was absolutely no objection on the part of RangeGowda to the allotment in favour of Nancy D'Souza and Isabella D'Souza. Therefore, we are not prepared to accept that the Lrs. of RangeGowda could have locus to initiate proceedings for allotment of the land in their favour or for transfer of the land in favour of the pool of the State. In fact, RangeGowda kept quiet for 15 years from 1974 to 1989 and for two years from 1989 to 1991. The Lrs. of RangeGowda kept quiet for a period of four years after the land was transferred by Nancy D'Souza and Isabella D'Souza to Devamma.

In view of all these facts, we are of opinion that the High Court was in error in taking the view that the land ought to be transferred to the pool of the State. Accordingly, the judgment and order passed by the High Court to the extent that the land purchased by Devamma and purchased from Nancy D'Souza and Isabella D'Souza should be transferred to the pool of the State is set aside.

The appeals are allowed to that extent.

.....J.  
(MADAN B. LOKUR)

.....J.  
(DEEPAK GUPTA)

NEW DELHI  
NOVEMBER 30, 2017

ITEM NO.103

COURT NO.4

SECTION IV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).4086-4087/2010

DEVAMMA @ DEVEERAMMA (D) BY LRS. ETC.

Appellant(s)

VERSUS

SARASWATHAMMA &amp; ORS. ETC.

Respondent(s)

Date : 30-11-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s)

Mr. Anil Katarki, Adv.  
Mr. Anil Nishani, Adv.

Mr. Trideep Pais, Adv.  
Mr. Pranav Jain, Adv.

Ms. Anjana Chandrashekar, AOR

Ms. E. R. Sumathy, AOR

For Respondent(s)

Mr. Shanthkumar V. Mahale, Adv.  
Mr. Rajesh Mahale, AOR

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

The appeals are allowed in terms of the signed order.

(SANJAY KUMAR-I)

AR-CUM-PS

(Signed order is placed on the file)

(KAILASH CHANDER)

COURT MASTER