



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

**CIVIL APPEAL NO.....OF 2026
[@ Special Leave Petition (C) No.19635 of 2023]**

Seethamma W/o Late Sathyappa

...Appellant

Versus

The State of Karnataka & Ors.

...Respondents

J U D G M E N T

K. Vinod Chandran, J.

Leave granted.

2. Concurrent findings leading to the annulment of a sale, under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (hereinafter referred to as 'the Act of 1978') is challenged before us. All the authorities and the High Court found that Section 4 of the Act postulates any transfer without previous permission of the Government to be null and void.

3. Sri Manjunath Meled, learned Counsel for the appellant submits that the Act of 1978 is not applicable to the

subject land. The grant itself was made in the year 1977 and receipt issued in the year 1981. The first transfer was made after 15 years and the appellant is a purchaser from the transferee of the year 1997. Learned counsel for the appellant relies on ***Shakuntala v. The State of Karnataka & Others¹***.

4. Sri Avishkar Singhvi, learned Additional Attorney General for the State relies on ***Satyan v. Deputy Commissioner & Others²***, ***Vivek M. Hinduja & Others v. M. Ashwatha & Ors.³*** and ***Dharma Naika v. Rama Naika & Another⁴*** to contend that the delay is only of 9 years and as held in ***Satyan²***, an 8 year period cannot said to be fatal to an action taken under the Act by reason only of delay and laches, especially considering the beneficial legislation for ensuring preservation of lands of Scheduled Castes and Scheduled Tribes.

5. On facts suffice it to notice that the original vendor obtained the land as per Annexure P1, in the year 1977 and the grant certificate was issued in the year 1981. The grant

¹ C.A. Nos. 1061-1063 of 2019

² (2020) 14 SCC 210

³ (2020) 14 SCC 228

⁴ (2008) 14 SCC 517

certificate is issued under Schedule E of the Land Revenue Code, which prohibits alienation only for a period of 15 years; in the instant case from the year 1981-82. The first transfer admittedly was made in the year 1997 as is evident from Annexure P2. In the present case, the proceedings were initiated in the year 2006-07, after the land came into the possession of the appellant herein, by a purchase in the year 2003.

6. ***Shakuntala***¹ relied on a number of judgments wherein this Court had found that even if no limitation is prescribed in the statute, the party concerned ought to have approached the competent court or authority within a reasonable time beyond which no relief could be granted. ***Satyan***² was a case in which the grants were made to the beneficiaries in August 1982 and the transfer was affected in September 1997, after the 15 year period was over. Therein the proceedings were initiated on the villagers filing an application alleging the sale deeds to be illegal. This Court found that the 8 year period delay in initiating proceedings is not fatal to the proceedings initiated especially considering the laudable intention behind the legislation.

True in the present case also the delay is of 9 years but however a pertinent distinction in facts have to be necessarily noticed.

7. Going through the judgments cited by both the parties, it is evident that proceedings initiated later, were by the legal representatives of the original vendors. The Act of 1978 no doubt is a beneficial legislation and seeks to ensure protection of the lands conceded as grants by the State to the members of the Scheduled Castes and Scheduled Tribes communities, who could be enticed into parting with their lands on one pretext or the other. The distinguishing fact in the present case is that the persons who initiated the proceedings included the sons of the original grantee, the respondent Nos.4 and 5 herein, who were also parties to the first transfer as evident from Annexure P2. The 4th respondent at the time of the first transfer was aged about 35 years and the 5th respondent was aged about 25 years. The present case is not one where the legal representatives, unaware of the earlier grant or the subsequent transfer, having initiated proceedings after a long delay, nor is it one of the village community having

initiated proceedings against the illegal transfers. The persons who sought invocation of the proceedings under the Act of 1978 were party to the alienation in the year 1997, after the 15 year period was over from the original grant of the year 1977 and the issuance of the certificate in 1981. On the peculiar facts of the case, we are inclined to set aside the orders of the Authorities and the High Court finding the proceedings to be illegal and we do so.

8. The above appeal is allowed setting aside the impugned orders.

9. Pending application(s), if any, shall stand disposed of.

..... J.
(SANJAY KUMAR)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
MAY 07, 2026.**