



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 10TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100330 OF 2025 (SCST)

BETWEEN:

TULAJAPPA
S/O TUKARAM LAMANI
AGED ABOUT 75 YEARS,
RESIDING AT SANGAPURA,
GANGAVATHI TALUK,
DISTRICT. KOPPAL-583227.

...APPELLANT

(BY SRI. VINAYAK VAMANRAO KULKARNI, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
DISTRICT. KOPPAL-583231.
2. THE ASSISTANT COMMISSIONER,
KOPPAL SUB-DIVISION,
DISTRICT. KOPPAL-583238.
3. THE PANCHAYAT DEVELOPMENT OFFICER,
SINGAPUR GRAM PANCHAYAT,
TALUK. GANGAVATHI,
DIST. KOPPAL-583227.
4. SMT. KELLA VENKATESHWARAMMA
W/O APPALACHARI
AGED ABOUT 78 YEARS,
REPRESENTED BY HER GPA HOLDER,
APPALACHARI S/O VEERACHARI
AGED ABOUT 87 YEARS,



RESIDING AT SANGAPUR,
TQ. GANGAVATHI,
DISTRICT. KOPPAL-583227.

5. SRI. H.M. GURUPADASWAMY
S/O RUDASWAMY
AGED ABOUT 64 YEARS,
RESIDING AT SANGAPUR,
GANGAVATHI TALUK,
DISTRICT. KOPPAL-583227.

...RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R1 & R2;
SRI. VIJAYKUMAR BALAGERIMATH, ADVOCATE FOR R3;
SRI. SABEEL AHAMED, ADVOCATE FOR
SRI. A.S. PATIL, ADVOCATE FOR R4 & R5)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO ALLOW THE PRESENT
WRIT APPEAL BY SETTING ASIDE THE ORDER DATED
26.03.2025 PASSED IN WRIT PETITION NO.105897/2015 (SC-
ST) PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE
COURT AND DISMISS THE WRIT PETITION FILED BY THE
RESPONDENTS HEREIN, IN THE INTEREST OF JUSTICE AND
EQUITY & ETC.

THIS WRIT APPEAL COMING ON FOR PRELIMINARY
HEARING, THIS DAY, JUDGMENT WAS DELIVERED
THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

First respondent before the learned single judge is in appeal questioning the order dated 26.03.2025 in WP No.105897/2015, whereunder resumption order dated 07.08.2012 passed under Section 5 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978(for short 'PTCL' Act) in respect of land in Survey No.24/3 to a total extent of 3 acres 36 guntas is quashed.

2. Heard learned counsel Sri.Vinayak Vamanrao Kulkarni, for appellant through video conference, learned Sri. Sharad V. Magadum, AGA for respondent Nos.1 and 2 and learned counsel Sri.Vijayakumar Balagerimath for respondent No.3 and Sri.Sabeel Ahamad, learned counsel for respondent Nos.4 and 5 and perused the entire appeal papers.

3. The parties to the appeal would be referred as per their rank before the learned single judge.



4. Appellant was respondent No.1 and respondent No.4 was the petitioner before the learned Single Judge.

5. Respondent No.1-grantee claims that land measuring 2.26 guntas in Sangapura village, Koppal Taluk in Survey No.24/3 was granted to respondent No.1. In terms of grant order dated 25.11.1971 an extent of 1 acre 10 guntas of land was sold in favour of respondent No.5 under sale deed dated 26.06.1996 and land to an extent of 1 acre 16 guntas was sold in favour of respondent No.6 under sale deed dated 03.05.2002. Thereafter, proceedings under Section 5 of PTCL Act were initiated by filing an application on 19.10.2010. The said application was entertained and by order dated 07.08.2012, land in question was ordered to be restored in favour of respondent No.1 against which the purchasers-respondent Nos.5 and 6 filed appeal before the Deputy Commissioner and the Deputy Commissioner by order dated 07.05.2015 dismissed the appeal by confirming the order passed by the Assistant Commissioner. Challenging the order of the respondent Nos.1 and 2, petitioners were before this



Court in the above said writ petition No.105897/2015. Learned single judge after hearing both the parties under impugned order dated 26.03.2025 allowed the writ petition and quashed the order of the Deputy Commissioner (Annexure-'A') against which the present appeal is preferred.

6. Learned counsel for the appellant-respondent No.1 would submit that without obtaining permission as required under Section 4 of PTCL Act, the Petitioners could not have purchased the land in question. Further, learned counsel would submit that taking note of the sale without taking permission under Section 4 of PTCL Act, the second respondent Assistant Commissioner rightly passed order restoring the land to the respondent No. 1. Learned counsel would submit that the learned single judge failed to appreciate the fact that 8 years delay in approaching the authority for resumption of land is not fatal to the case of respondent No.1 and in that regard the learned counsel for respondent No.1-appellant herein places reliance on the decision of the Hon'ble Apex Court in the case of **Satyan versus Deputy**



Commissioner and others¹. Since, there was no delay, learned single judge committed an error in allowing the writ petition solely on the ground of delay and latches. Thus, he prays for allowing the Writ petition.

7. Per contra, learned AGA would submit that there is no limitation for filing an application for resumption of land under PTCL Act and he also points out the amendment brought to Section 5 of PTCL by including sub-clause 'c' to say that there is no limitation to initiate proceedings for resumption, and submits that when the provision itself is clear, the question of delay would not arise for filing application for resumption.

8. Learned counsel for petitioners would contend that the first sale has taken place on 26.06.1996 and on the said date itself respondent No.1 was aware of the sale transaction and as such the said date is to be taken into account for calculating delay and latches. He submits that though the first sale has taken place in the year 1996, resumption application

¹ (2020) 14 SCC 210



under Section 5 of PTCL Act is filed only in the year 2010. Thus, he would submit that there is 14 years unexplained delay, which would disentitle the appellants-respondent Nos.5 and 6 for any relief. Thus, he would pray for dismissal of the appeal.

9. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the only point that would arise for consideration is as to

“Whether the learned single judge was right in allowing the writ petition solely on the ground of delay and laches on the part of respondent No.1 in initiating proceedings for resumption under Section 5 of PTCL Act?”

10. The answer to the above point would be in the affirmative for the following reasons:

It is noticed that the appellant-respondent No.1 was granted land in Survey No.24/3 of Sangapura Village, Koppal taluk to an extent of 2 acre 26 guntas in the year 1971. It is also noticed that on 26.06.1996, the first respondent sold land measuring 1 acre 10 guntas to respondent No.5 and under the



sale deed dated 03.05.2002 sold land to an extent of 1 acre 16 guntas to respondent No.6. Thus, the first sale has taken place on 26.06.1996. From the date of first sale to the date of initiation of proceedings under Section 5 of PTCL Act i.e., 19.10.2010, there is a delay of 14 years in initiating resumption proceedings and 8 years delay from the date of second sale i.e., from 03.05.2002. To arrive at conclusion as to whether there is a delay and latches on the part of respondent No.1 to initiate the resumption proceedings, we have to take into account the first sale which has taken place on 26.06.1996. On the date of first sale i.e., 26.06.1996, the alleged violation of Sections 4 and 5 of PTCL Act has taken place. Admittedly, respondent No.1 has executed sale deed in favour of petitioners. There is no allegation of fraud or misrepresentation. The respondent No.1 was well aware of the said deed executed in the year 1996. From the first sale in 1996, the proceedings under Section 5 of PTCL Act are initiated after more than 14 years. There is a delay and latches of 14 years in initiating proceedings under Section 5 of PTCL Act, for resumption.



11. Learned counsel Sri.Vinayak Vamanrao Kulkarni for appellant-respondent No.1, places reliance on Sathyan case supra. In **Satyan** case, the Hon'ble Apex Court, came to the conclusion that 8 years delay in initiating resumption proceedings cannot come in the way of the competent authority taking action for resumption. However, in the instant case, from the first sale, it is 14 years delay in initiating resumption of proceedings. Hence, **Satyan** case would have no application and on the other hand, the principles laid down in **Nekkanti Rama Lakshmi versus State of Karnataka and Another**² would aptly apply. In **Neekkanti Rama Lakshmi** case, the Hon'ble Apex Court while examining Section 5 of the PTCL Act examined the question of limitation and held that where there is inordinate delay in making application under Section 5 of the PTCL Act, such application would not be maintainable and it has further held that the application for restoration and resumption of land should be filed within a reasonable time.

² (2020) 14 SCC 232



12. Learned single Judge rightly placing reliance on ***Nekkanti Rama Lakshmi*** as well as ***M.Manjula and others Vs. Deputy Commissioner and others***³ held that the restoration of the land cannot be permitted after 12 years.

13. Thus, we do not find any merit in the writ appeal and accordingly the writ appeal stands rejected.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

HMB,CT:VP
LIST NO.: 1 SL NO.: 36

³ (2024 Livelaw(Kar)526)