



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 1319 OF 2024 (SCST)

BETWEEN:

A.K. RANGAPPA,
S/O DYAMAPPA,
DEAD BY LRs
AGED ABOUT 42 YEARS

SRI. KENCHAPPA
S/O LATE A.K. RANGAPPA
SINCE DEAD BY LRs

1. SRI OBANNA
S/O LATE KENCHAPPA,
MAJOR, AGED ABOUT 46 YEARS,
2. SRI RANGASWAMY
S/O KENCHAPPA
AGED ABOUT 48 YEARS
3. SMT SAVITHRAMMA
D/O SMT SAVITHRAMMA
AGED ABOUT 49 YEARS

APPELLANTS No.1 TO 3 ARE
RESIDING AT MEERASABIHALLI,
CHALLEKERE TALUK
CHITRADURGA DISTRICT-577522

Digitally signed
by NIRMALA
DEVI

Location: HIGH
COURT OF
KARNATAKA



SANNA RANGAPPA,
S/O RANGAPPA,
DEAD BY LR_s

4. SRI YELLAPPA
S/O LATE SANNA RANGAPPA
MAJOR
AGED ABOUT 50 YEARS

SRI DURGAPPA
S/O SRI. KERE HANUMAPPA,
DEAD BY LR_s

5. SRI SHANTHAPPA
S/O LATE DURGAPPA
AGED ABOUT 50 YEARS

APPELLANTS No. 4 & 5 ARE
RESIDING AT MEERASABIHALLI
CHALLEKERE TALUK
CHITRADURGA DISTRICT-577522

...APPELLANTS

(BY SRI. R.A. DEVANAND, ADVOCATE FOR
SRI. MARUTHI G B, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY THE
PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE
M S BUILDING
BENGALURU-560001
2. THE DEPUTY COMMISSIONER
CHITRADURA DISTRICT
CHITRADURGA-577501
3. THE ASSISTANT COMMISSIONER



CHITRADURGA SUB DIVISION
CHITRADURGA DISTRICT-577501

4. DURGAPPA
S/O LATE GUNDAPPA
AGED BOUT 77 YEARS,
RESIDING AT MEERASABIHALLI
CHALLAKERE TALUK
CHITRADURGA DISTRICT-577501

5. KENCHAPPA
S/O LATE GUNDAPPA
AGED BOUT 75 YEARS,
RESIDING AT MEERASABIHALLI
CHALLAKERE TALUK
CHITRADURGA DISTRICT-577501

THIMMAPPA
S/O GUNDAPPA
DEAD BY LR_s

6. SMT. THIMMAKKA
W/O LATE THIMMAPPA
AGED ABOUT 70 YEARS,

7. SRI MANJUNATHA T
S/O LATE THIMMAPPA
AGED ABOUT 41 YEARS,

8. SMT SHILPA
D/O LATE THIMMAPPA
AGED ABOUT 44 YEARS,

THE RESPONDENTS No.6 TO 8 ARE
RESIDING AT MEERASABIHALLI
CHALLAKERE TALUK
CHITRADURGA DISTRICT-577501

...RESPONDENTS

(BY SRI. K.S. HARISH, GA FOR R1 TO R3)



THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961 R/W ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORD IN WP NO.27429/2012 ON THE FILE OF THE LEARNED SINGLE JUDGE OF THIS HONBLE COURT, SET-ASIDE THE JUDGEMENT/ORDER DATED 31/05/2023 PASSED BY THE HONBLE SINGLE JUDGE OF THIS HONBLE COURT IN WP NO.27429/2012 CONSEQUENTLY ALLOW THE WRIT APPEAL AND RESTORED THE LAND TO THE APPELLANTS AND ETC.

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE C.M. POONACHA)

1. The present appeal is filed calling in question the order dated 31.05.2023 passed in Writ Petition No.27429/2012 (SC-ST), [subject writ petition], whereunder the learned Single Judge allowed the writ petition filed by the purchaser, set aside the order passed by the Deputy Commissioner and confirmed the order passed by the Assistant Commissioner, wherein the application filed by the grantee for resumption of the land was rejected.



2. The relevant facts in a nutshell leading to the present appeal are that, an extent of 5 acres each in Sy.No.12P of Thimmanahalli Village was granted in favour of A.K.Rangappa, Sanna Rangappa and Durgappa (respondents No.4 to 6 in the writ petition) vide order dated 13.3.1951. The said A.K.Rangappa, Sanna Rangappa and Durgappa having been deceased, their legal representatives have come on record in the writ proceedings and the said legal representatives are the appellants in the present appeal. The entire extent of fifteen (15) acres was sold vide registered Sale Deed dated 15.7.1966 and was further sold vide Sale Deed dated 16.7.1971 to the writ petitioners.

3. One of the terms of the grant was that, the granted land was not to be alienated for a period of ten (10) years. The first sale vide Sale Deed dated 15.6.1966 was beyond the period of ten (10) years from the date of the grant. The application made for resumption of the land by the original grantees was allowed by the Assistant Commissioner vide order dated 23.9.1998, which was confirmed by the Deputy Commissioner vide order dated 15.12.1999.



4. The said orders were called in question before this Court in Writ Petition Nos.2779 and 3501-02/2000. This Court, vide order dated 22.2.2000 allowed the said writ petitions, set aside the orders of the Assistant Commissioner and the Deputy Commissioner and remanded the matter to the Assistant Commissioner for fresh enquiry. Thereafter, the Assistant Commissioner vide order dated 14.09.2001 ordered for restoration of the land, which was set aside by the Deputy Commissioner vide order dated 8.4.2002. Aggrieved by the said orders, the grantees filed Writ Petition Nos.30357/2002 and 38867-869/2002 and this Court vide order dated 11.6.2003 set aside the orders passed by the Deputy Commissioner and the Assistant Commissioner and remanded the matter to the Assistant Commissioner. Consequent to the remand, the Assistant Commissioner vide order dated 11.2.2004 rejected the application for resumption, which was set aside by the Deputy Commissioner vide order dated 18.07.2012. Being aggrieved, the purchasers filed the subject writ petition.

5. The learned Single Judge noticed the judgments of the Supreme Court in the case of ***Nekkanti Rama Lakshmi v. State of Karnatka and another: (2020) 14 SCC 232, Chhedi Lal Yadav v.***



Hari Kishore Yadav: (2018) 12 SCC 527 and ***Ningappa v. Deputy Commissioner and others: (2020) 14 SCC 236*** and held that the application for resumption not having been filed within a reasonable time, was not maintainable. The learned Single Judge also noticed various other judgments. It was also noticed by the learned Single Judge that there is a gross delay of 30 years in initiating action for resumption of the land. We find no fault with the orders of the learned Single Judge.

6. It is further pertinent to note that the above appeal has been filed after an inordinate delay of 421 days. In the affidavit filed in support of the application for condonation of delay it is stated that the appellants learnt regarding the amendment to the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 [**PTCL Act**], which came into force from 27.7.2023, only recently. It is further deposed that since the appellants were residing at a small village in Chitradurga District and were poor villagers and rustic agriculturists, were not aware of the legal aspects. It was also deposed that since they were cultivating the lands, they could not meet an Advocate within time.



7. The reasons set out in the affidavit accompanying the application are without any basis. A subsequent amendment in the law is not a ground to condone the delay. Further, the specific dates on which they learnt regarding the order of the learned Single Judge and the actions that they have taken pursuant to the same have not been stated. The delay has not been adequately explained.

8. In view of the above, the appeal is dismissed both on the ground of delay as well as on merits.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

ND
List No.: 1 Sl No.: 5