



CNR: KAHC010019492025

NC: 2026:KHC:53290
WP No. 1240 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 1240 OF 2025 (SC/ST)

BETWEEN:

1. KEMPAMMA
AGED ABOUT 60 YEARS,
D/O. LATE RANGAYYA,
2. MURTHY
AGED ABOUT 45 YEARS,
S/O. LATE RANGAYYA,
3. SAVITHA
AGED ABOUT 36 YEARS,
D/O. SRINIVASA,
4. VENKATARAMU
AGED ABOUT 65 YEARS,
S/O. LATE THIMMAIAH,

PETITIONERS NO.1 TO 4,
RESIDING AT B. BYRAPURA GRAMA,
KAREHALLI POST, BHAGURU HOBLI
CHANNARAYAPATNA TALUK
HASSAN DISTRICT- 573 111

5. DEVARAJU
AGED ABOUT 63 YEARS,
S/O. LATE THIMMAIAH,
HOUSE NO.356, K.H.B LAYOUT,
SATYAMANGALA LAYOUT,
HASSAN-573 201

...PETITIONERS

(BY SMT. CHETHANA, ADVOCATE FOR
SRI. MANJUNATH B.S., ADVOCATE)



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AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
REVENUE DEPARTMENT
VIDHANA SOUDHA
DR. AMBEDKAR ROAD,
BENGALURU-560 001.
2. DEPUTY COMMISSIONER
HASSAN SUB-DIVISION
HASSAN-573 201
3. ASSISTANT COMMISSIONER
HASSAN DISTRICT
HASSAN-573 201
4. ANIL B.M.,
AGED ABOUT 33 YEARS
S/O. LATE MANJU
A.D. COLONY
NAGASAMUDRA ROAD,
CHANNARAYAPATNA TOWN,
CHANNARAYAPATNA TALUK-573 116
5. HEMAVATHI
AGED ABOUT 60 YEARS.
D/O. LATE K.N.VASU,
6. MADHAN
AGED ABOUT 40 YEARS,
S/O. LATE K.N.VASU,

RESPONDENT NO.5 AND 6 ARE
RESIDING AT KAAREHALLI GRAMA,
BHAGURU HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT-573131.

...RESPONDENTS



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(BY SMT. SPOORTHY V., HCGP FOR R1 TO R3;
SRI. SHEKARAPPA, ADVOCATE FOR R4;
R5 AND R6 ARE SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:

ORAL ORDER

Smt.Chethana., counsel appearing on behalf of
Sri.Manjunath.B.S., for the petitioners, Smt.Spoorthi.V.,
HCGP appearing for respondent Nos.1 to 3 and
Sri.Shekarappa., counsel appearing for respondent No.4
have appeared in person.

2. The petition is filed seeking a writ of certiorari
to quash the order passed by the Deputy Commissioner.
This order is challenged in this writ petition on several
grounds as set out in the memorandum of the writ
petition.



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3. Counsel for the respective parties advanced several contentions.

Counsel for respondent No.4 submits that there was no laches on the part of the grantee in seeking resumption.

4. The Court heard the arguments and carefully perused the papers.

5. This issue is limited to resumption proceedings. The land in question, Old Sy.No.11, new Sy.No.70, situated at B.Byarapura Village, Bhaguru Hobli, Channarayapatna Taluk, measuring 2 Acres 16 Guntas (hereinafter referred to as the subject land). The subject land was granted to one Sri.Jawaraiah in 1961-62. He sold 1 Acre out of 2 acres 16 guntas in favor of Shivarudraiah in 1970. He has sold the remaining 1 acre 16 guntas in favor of Sri.K.B.Sidde Gowda in 1971. Thereafter several sale transactions were took place. However, the resumption proceedings were initiated in 2013 and the



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Assistant Commissioner allowed the claim and resumed the land. Against which, an appeal was preferred before the Deputy Commissioner. The Deputy Commissioner remanded the matter to the Assistant Commissioner. After remand, the Assistant Commissioner allowed the claim. Against which, an appeal was preferred before the Deputy Commissioner. The Deputy Commissioner confirmed the order of the Assistant Commissioner. Both the Assistant and Deputy Commissioners overlooked the nearly 43-years delay in initiating these proceedings. They failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 43 years, especially since the rights in the land were settled by the sale deed in 1970 and 1971. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.



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The Division Bench clarified that laches should be regarded as the primary requirement when resuming lands. It also held that if restoration action is filed after a significant delay, it could be barred by laches.

In the facts and circumstances of the case, this Court is of the considered view that the orders passed by the Assistant Commissioner and confirmed by the Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained. Accordingly, the impugned orders are liable to be set aside.

6. For the foregoing reasons, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be set aside.

7. The writ of certiorari is ordered. The order dated:05.10.2023 passed by the Assistant Commissioner vide Annexure-B, and the order dated 10.12.2024 passed by the Deputy Commissioner vide Annexure-C are quashed. As this Court has quashed the orders, the



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authority concerned is hereby directed to restore the petitioner's name in the subject land in the revenue records.

8. Resultantly, the writ petition is ***allowed***.

On disposal of the Writ Petition, any interim order stands discharged, and any pending interlocutory applications, if any, are disposed of.

**SD/-
(JYOTI M)
JUDGE**

CH
List No.: 1 Sl No.: 28