



CNR: KAHC010030092025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 1607 OF 2025 (SC/ST)

BETWEEN:

SRI. D.RAJANNA
S/O LATE DODDAMUNIYAPPA,
AGED ABOUT 62 YEARS,
R/AT SINGANAYAKANAHALLI VILLAGE,
YELAHANKA HOBLI,
BENGALURU NORTH TALUK -560064.

...PETITIONER

(BY SRI. PRAKASH TIMMANNA HEBBAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY,
DEPARTMENT OF REVENUE
VIKAS SOUDHA, BENGALURU-560001
2. THE DEPUTY COMMISSIONER
BENGALURU RURAL DISTRICT
JILLADAILITHA BHAVANA, DEVANAHALLI,
BENGALURU RURAL DISTRICT -562135
3. THE ASSISTANT COMMISSIONER,
DODDABALLAPUR SUB-DIVISION,
DODDABALLAPUR-562103.
4. SRI. NARASIMHA MURTHY
S/O. SRI. PAPANNA @ PAPAIAH
AGED ABOUT 40 YEARS,
RESIDING AT HEGADIHALLI VILLAGE,
TUBAGERE HOBLI, DODDABALAPURA TALUK,



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BENGALURU RURAL DISTRICT-561205

PRESENTLY RESIDING AT KORLAHALLI VILLAGE,
KANGANAHALLI POST, NANDHI HOBLI,
CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA DISTRICT-562101

5. SRI. SUBRAMANI
S/O. CHANDRAPPA,
AGED ABOUT 31 YEARS,
R/AT HEGADIHALLI VILLAGE,
TUBAGERE HOBLI, DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT-561205
6. SRI. T.N.BALAJI,
S/O. SRI.T.V.NARAYANA RAO,
AGED ABOUT 65 YEARS,
R/AT 3707, SOMESHWARA EXTENSION,
DODDABALLAPURA TOWN,
DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT-561203

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. B.K.NARENDRA BABU, ADVOCATE FOR R4 AND R5;
VIDE COURT ORDER DATED 23.01.2025,
NOTICE TO R6 IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 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:



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ORAL ORDER

Sri.Prakash Timmanna Hebbar., counsel appearing for the petitioner and Smt.Savithramma., AGA., appearing for respondent Nos.1 to 3 appeared in person.

Sri.B.K.Narendra Babu., counsel appearing for respondent Nos.4 and 5 appeared through video conferencing.

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.

3. Counsel for the respective parties advanced several contentions.

The petitioner's counsel submits that because the land's unauthorized occupation was regularized, the provisions for resumption under the PTCL Act do not apply.



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The unauthorized occupation was officially regularized by the concerned officer through an Official Memorandum in 1985. Consequently, any claim that the provisions of the PTCL Act were violated is wholly unsustainable.

AGA and counsel for respondent Nos.4 and 5 submits that as there was a violation of provisions of PTCL Act, the resumption is justified.

Counsel appearing for respondent Nos.4 and 5 submits that the contention of the petitioner that the provisions of the PTCL Act are not applicable to the facts and circumstances of the present case is untenable and is cannot be accepted. He submits that in fact it is a granted land and there was a condition for non-alienation for 15 years. It is argued that without taking the necessary permission from the State Government, the family of the original grantee have sold the property.

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



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5. The issue revolves within a narrow compass and it relates to the resumption proceedings initiated by the family members of the grantee. Suffice it to note that the land in question was in unauthorized occupation of one Sri.Narasappa and it was regularized by issuance of an official memorandum on 01.03.1985. Pursuant to the regularization, the son of the original grantee namely Sri.Narasimhaiah sold the property to an extent of 1 acre in favor of respondent No.6 Sri.T.N.Balaji 08.02.2006. The remaining 2 acres of land was sold by the sons of the original grantee in favor of respondent No.6 Sri.T.N.Balaji on 04.07.2006. Thereafter, respondent No.6 Sri.T.N.Balaji has sold the said property in favor of the petitioner Sri.D.Rajanna through a registered sale deed dated 01.12.2007.

As matters stood thus, the applicants claiming themselves to be the grandchildren of the grantee initiated resumption proceedings in 2014. There is inordinate laches on the part of the applicants in moving resumption



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application. The Assistant Commissioner taking note of the laches, rightly rejected the claim. However, the Deputy Commissioner failed to have regard to the laches and erroneously, set aside the order of the Assistant Commissioner. This is untenable in law. The laches on the part of the family of the grantee in approaching the appropriate forum at well in time disqualifies them for claiming resumption of the lands.

Moreover, the subject land was originally under unauthorised occupation and was subsequently regularised. In such circumstances, the question of initiating proceedings under the provisions of the PTCL Act would not arise. Further, the sale had taken place in the year 2006, the proceedings were initiated only in the year 2014, after a considerable lapse of time. The contentions regarding the filing of the suit and the status of the petitioner cannot be examined or adjudicated upon in the



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present writ petition, as such questions fall outside the scope of the proceedings before this Court.

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.

The legal heirs of the grantee could not have initiated alleging violations of the provisions of the PTCL Act. Moreover, the grantee's family themselves dealt with the property. Hence, they could not have initiated resumption proceedings. Assuming a while that the provisions of the PTCL Act is applicable, the family of the grantee dealt with the property in 2006. The resumption proceedings were initiated in 2014, after a lapse of 08 years.

In the facts and circumstances of the case, this Court is of the considered view that the order passed by the Deputy Commissioner, directing resumption of the subject



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land, cannot be legally sustained. Accordingly, the impugned order is liable to be set aside.

6. For the foregoing reasons, the order of the Deputy Commissioner is liable to be set aside.

7. The writ of certiorari is ordered. The order dated 31.12.2024 passed by the Deputy Commissioner vide Annexure-H is quashed. As this Court has quashed the order, the 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.: 2 Sl No.: 19