



CNR: KAHC010039082016

NC: 2026:KHC:51904
WP No. 11152 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 11152 OF 2016 (SC/ST)

BETWEEN:

PARAMESH,
SINCE DEAD REPRESENTED BY HIS LR

1. VEDAVATHI,
AGED 32 YEARS,
W/O. LATE PARAMESH,
2. CHIKKANNA,
S/O. KEMPANNA,
AGE MAJOR,

BOTH ARE R/O. ASALIPURA,
BELLAVI HOBLI,
TUMAKURU TALUK AND DISTRICT.

...PETITIONERS

Digitally signed by
PREMCHANDRA M R (BY SRI. HARISH, ADVOCATE)
Location: HIGH COURT
OF KARNATAKA

AND:

1. DEPUTY COMMISSIONER,
TUMAKURU DISTRICT,
TUMAKURU-572 101.
2. ASSISTANT COMMISSIONER,
TUMAKURU SUB-DIVISION,
TUMAKURU-572 101.
3. GANGAIAH,
S/O. RAMANARASAIAH,
SINCE DEAD REPRESENTED BY HIS LRS



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3(A) RAMACHANDRAIAH,
AGE 62 YEARS,

3(B) RAMAIAH,
AGE 60 YEARS,

3(C) PARAMESH,
AGE 49 YEARS,

3(D) UMESH
AGE 45 YEARS,

RESPONDENTS NO.3(A-D) ARE
SONS OF LATE GANGAIAH,
R/O. N.R.COLONY,
BACK SIDE OF DURGAMMA TEMPLE,
TUMAKURU-572 101.

4. HUTCHIAIAH,
S/O. LATE JOGAIAH,
AGE MAJOR,
R/AT DIBBURU VILLAGE,
KASABA HOBLI,
TUMAKURU TALUK & DISTRICT-572101.

5. RATHNAMMA,
AGED MAJOR,
W/O. CHIKKANNA,
DAUGHTER-IN-LAW OF NANJAMMA,
R/AT ASALIPURA, BELLAVI HOBLI,
TUMAKURU TALUK & DISTRICT.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. S.V.PRAKASH, ADVOCATE FOR R3(A-D);
VIDE COURT ORDER DATED 26.02.2020,
PETITION AGAINST R4 AND R5 IS ABATED)



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

THIS WRIT PETITION IS LISTED FOR ORDERS, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Harish., counsel on behalf of Sri.Patel D.Kare Gowda., for the petitioners; Smt.Savithramma., AGA for respondents 1 and 2 and Sri.S.V.Prakash., counsel for respondent No.3(A-D) 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.

3. Counsel for the respective parties advanced several contentions.

AGA and counsel for respondent No.3(A-D) submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Counsel for respondent No.3(A-D) in



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presenting his argument vehemently contends that there is no laches on the part of the grantee to initiate presumption proceedings. He further submits that the last sale was made in 1995 and the application is filed within 12 years, hence, laches does not applicable to the facts and circumstances of the present case. Urging additional grounds, they submit that the petition lacks merit and the same may be dismissed.

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

5. This issue is limited to resumption proceedings. The land in question, Sy.No.1/36, new Sy.No.1/388 spans 5 acres in MMA Kaval village, Chelur Hobli, Gubbi Taluk, Tumakuru District. It was granted to Mr.Ramanarasaiah, in 1955. The saguvalli chit was issued on 13.02.1956. Later, the original grantee sold the property to an extent of 2 acres 20 guntas in 1961 in favor of Mr.Jogaiah through a registered sale deed. Thereafter, Mr.Jogaiah sold the property to an extent of 2 acres 20 guntas in favor of Nanjamma in 1963. The Lrs. of Nanjamma sold the property to an extent of 2 acres 20 guntas in favor of Mr.Kempanna in 1993 the father of the petitioner.



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The remaining portion of the land was also purchased by Mr.Kempanna.

Nearly 46 years after the sale, in 2007-2008, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner rejected the petition on the ground that the land was granted under Grow More Food Scheme, hence, the provisions of PTCL Act does not attract. Dissatisfied, an appeal was preferred before the Deputy Commissioner, who set aside the order of the Assistant Commissioner and approved the petition and ordered the land to be resumed. Assistant Commissioner is justified in rejecting the petition. However, the Deputy Commissioner overlooked the nearly 46-year delay in initiating this proceedings. He failed to consider the issue of laches or the petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authority should have evaluated whether to proceed after nearly 46 years, especially since the rights in the land were settled by the sale deed in 1961. The oversight in considering the delay and laches led to order for land



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resumption being issued without adequately addressing a crucial and relevant issue.

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 order passed by the Deputy Commissioner, directing resumption of the subject 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 27.04.2015 passed by the Deputy Commissioner vide Annexure-C is quashed. As this Court has quashed the order, the authority concerned is hereby directed to restore the petitioners' name in the subject land in the revenue records.



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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**

MRP
List No.: 1 Sl No.: 26