



CNR: KAHC010041482025

NC: 2026:KHC:52117
WP No. 2165 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 2165 OF 2025 (SCST)

BETWEEN:

SRI. ABDUL RAZAK
S/O LATE A.M. SHARIEF,
AGED 41 YEARS,
R/OF HOSPETE VILLAGE,
THOGARIHANKAL POST,
JAGARA HOBLI,
CHIKKAMAGALURU-577 137.

...PETITIONER

(BY SRI. V.D.RAVIRAJ, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
CHIKKAMAGALURU DISTRICT
CHIKKAMAGALURU-577 101.

2. THE ASSISTANT COMMISSIONER
CHIKKAMAGALURU SUB-DIVISION,
CHIKKAMAGALURU-577 101.

3. SRI. NAGARAJU
S/O LATE VEERABADRAIAH,
AGED ABOUT 60 YEARS
R/OF HOSPETE VILLAGE,
THOGARIHANKAL POST,
JAGARA HOBLI, CHIKKAMAGALURU-577 137.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. AMBRISH B.N.,ADVOCATE FOR R3)



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

ORAL ORDER

Sri.V.D.Raviraj, counsel for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 and 2, and Sri.Ambrish.B.N., counsel for respondent No.3, appeared in person.

2. The petition is filed seeking a writ of certiorari to quash the order passed by the Deputy Commissioner. The said 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 justified the order of the Deputy Commissioner. They submits that there is no



laches on the part of the family of the grantee in seeking resumption application.

Counsel for respondent No.3 submits that the PTCL Act is beneficiary legislation, hence, delay and laches cannot be a ground to reject the resumption proceedings. Urging additional grounds, he submits that the petition 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, Old Sy.No.37, new Sy.No.250, spans 4 acres 20 guntas. It was granted to Mr.Veerabadraiah, in 1953-54. Later, the subject land was sold in 1982 through a registered sale deed.

Nearly 34 years after the sale, in 2016, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner dismissed the petition. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who approved the petition and ordered the land to be resumed. The Assistant Commissioner is justified in



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rejecting the petition. However, the Deputy Commissioner overlooked the nearly 34-year delay in initiating this proceedings. He failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authority should have evaluated whether to proceed after nearly 34 years, especially since the rights in the land were settled by the sale deed in 1982. The oversight in considering the delay and laches led to order for land 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



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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 21.11.2024 passed by the Deputy Commissioner vide Annexure-A is quashed. As this Court has quashed the orders, 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**

SJK
List No.: 1 Sl No.: 45