



CNR: KAHC010048082025

NC: 2026:KHC:48911
WP No. 2553 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 2553 OF 2025 (SC/ST)

BETWEEN:

SMT. RUKMANIYAMMA,
W/O. RAMAKRISHNAPPA,
AGED ABOUT 56 YEARS,
R/AT BYRASANDRA VILLAGE,
LAKKUR HOBLI, MALUR TALUK,
KOLAR DISTRICT - 563130.

...PETITIONER

(BY SRI. SHIVAPRASAD SHANTANAGOUDAR, ADVOCATE)

AND:

1. DEPUTY COMMISSIONER,
KOLAR DISTRICT,
KOLAR-563101.
2. ASSISTANT COMMISSIONER,
KOLAR SUB-DIVISION,
KOLAR-563101.
3. SRI. MUNIYAPPA,
S/O. LATE NARAYANAPPA,
AGED ABOUT 58 YEARS,
R/AT RAMANATHPURA VILLAGE,
KASABA HOBLI, MALUR TALUK,
KOLAR DISTRICT-563101.
4. SRI. K.N.RAMESH,
AGED ABOUT 53 YEARS,
R/AT KUDIYANUR VILLAGE,

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA



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KASABA HOBLI, MALUR TALUK,
KOLAR DISTRICT-563101.

5. SRI. JAYAVARDARAJU,
S/O. LATE K.V.VENKATARAMAIAH,
AGED MAJOR,
R/AT NO.697/40, 1ST MAIN,
15TH MAIN ROAD,
GOKULA 2ND STAGE,
MATTIKERE, BENGALURU-560001.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SMT. NEERAJA KARANTH, ADVOCATE FOR R3;
VIDE COURT ORDER DATED 09.09.2026,
NOTICE TO R4 AND R5 DISPENSED WITH)

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. Shivaprasad Shantanagoudar, counsel for the
petitioner; Smt. Savithramma, AGA for respondents 1 and 2;
and Smt. Neeraja Karanth, counsel for respondent No. 3,
appeared in person.

2. Though the matter is listed today for hearing on the
interlocutory application, it is heard.



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3. The petition is filed seeking the following reliefs:

- a) *To issue a writ in the nature of Certiorari quashing the order dated 12.12.2024 passed by respondent No.1 in Appeal bearing No.P.T.C.L.15/2024 vide Annexure-D in interest of justice and equity.*
- b) *To issue a writ in the nature of Certiorari quashing the order dated:24.05.2024 passed by the respondent No.2 in Application bearing No.L.N.D/SC.ST/06/2016-17 vide Annexure-C in interest of justice and equity.*
- c) *Issue Writ, Order or Direction in nature of Mandamus directing the respondent No.1 and 2 to mutate the name of the petitioner in the Revenue Records of the subject property.*
- d) *Issue such other appropriate order or direction as this Hon'ble Court deems fit, in the interest of justice and equity.*

4. The brief facts are these:

The petitioner is the absolute owner of the land bearing Sy.No. 83/15, measuring 2 Acres 10 Guntas, situated at Manishettyhalli village, Kasaba Hobli, Malur Taluk, Kolar District. The land was purchased under the registered sale deed dated 20.09.1989 from the father of the fifth respondent, namely K.V.Venkataramaiah. The third respondent, Mr



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Muniyappa, contends that his father, namely Narayanappa, was the grantee of the land in question and that the grant was made on 16.01.1961. He specifically contends that neither his father nor he sold the land in question to any third party. Contending that there is a violation of the provisions of the PTCL Act, he filed an application for resumption of the land under Section 5 of the PTCL Act, after lapse of several years before the Assistant Commissioner. The Assistant Commissioner, vide order dated 24.05.2024, allowed the claim. Against the said order, the petitioner preferred an appeal before the Deputy Commissioner. The Deputy Commissioner, vide order dated 12.12.2024, confirmed the Assistant Commissioner's order. Under these circumstances, the petitioner has approached this Court by filing a writ petition on several grounds, as set out in the memorandum of the writ petition.

5. Counsel for the respective parties advanced several contentions.

The petitioner's counsel emphasised that the third respondent specifically claims that the property was never sold



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to any third party. Therefore, a resumption petition under the PTCL Act is not applicable. He noted that the sale was challenged in Civil Court in O.S. No. 315/2009, which was dismissed, and an appeal was also rejected. Consequently, the orders issued by the Assistant Commissioner and Deputy Commissioner regarding land resumption are invalid. He therefore submitted that the petition be granted and the orders from the Assistant and Deputy Commissioners be nullified.

The counsel for respondent No.3 strongly argued that Mr Narayanappa was the original grantee of the land and that the property was never sold to anyone else. However, she contended that the sales conducted by certain individuals lack any legal right over the property and are therefore fraudulent. These transactions are also unrelated to Mr Narayanappa's family. The counsel concluded that the third respondent's request for land resumption is justified and supported by the decisions of the Assistant Commissioner and the Deputy Commissioner. She also referenced Section 4 of the PTCL Act to support the third respondent's decision to file a petition under



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Section 5 of the Act, arguing that the petition lacks merit and should be dismissed.

6. Heard the arguments and perused the papers carefully.

7. The point that requires consideration is whether the orders of the Assistant Commissioner and the Deputy Commissioner require interference.

8. The facts are clearly outlined and need not be repeated. The matter is limited in scope and relates specifically to the third respondent initiating proceedings under the PTCL Act.

The third respondent asserts that his father, Mr Narayanappa, was the original grantee and initially owned the land. He also claims that the property was never transferred to any third party. Conversely, the petitioner states that he bought the property from Mr K. V. Venkataramaiah, the fifth respondent's father.



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If the third respondent asserts that the property was never sold, he cannot have filed proceedings under the PTCL Act. The Act's provisions only apply when the original grantee or their family members allege a sale that breaches its terms. Notably, the third respondent explicitly states that no sale occurred but still invokes the PTCL Act to demand resumption of the land. These positions are contradictory and cannot both be true.

A substantial amount of argument was addressed on behalf of the third respondent, contending that certain sale transactions occurred and are not connected to the family of the original grantee, and that the initiation of the proceedings is justified. The argument must necessarily fail. Notably, the third respondent filed a case in the Civil Court contesting certain sale transactions, but the Court dismissed it. The appeal against this judgment was also rejected. In my considered view, the application under Section 5 of the Act is not valid.

The Assistant Commissioner and the Deputy Commissioner erred in ordering resumption of the land in favor



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of the third respondent. As a result, their orders are not legally sustainable.

9. For the foregoing reasons, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be quashed.

10. The writ of certiorari is ordered. The order dated 12.12.2024 passed by the first respondent vide Annexure-D and the order dated 24.05.2024 passed by the second respondent vide Annexure-C are quashed. In view of allowing of the writ petition, prayer No.(c) is accorded.

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

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

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

MRP
List No.: 1 Sl No.: 25