



CNR: KAHC010055462022

NC: 2026:KHC:50883
WP No. 2781 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 2781 OF 2022 (SC/ST)

BETWEEN:

C.BHASKARAN,
S/O. P.K. PANICKER,
AGED ABOUT 77 YEARS,
NO.153, 5TH MAIN ROAD,
JAYANAGAR 1ST BLOCK,
SIDDAPURA, BENGALURU-560011.

...PETITIONER

(BY SRI. LIKITH HEGDE, ADVOCATE FOR
SRI. S.V.SRINIVAS, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BENGALURU-560001.
2. DEPUTY COMMISSIONER,
CHIKKABALLAPUR DISTRICT,
CHIKKABALLAPUR-562101.
3. ASSISTANT COMMISSIONER,
CHIKKABALLAPUR SUB-DIVISION,
CHIKKABALLAPUR DISTRICT,
CHIKKABALLAPUR-562101.



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4. SRI. MUNIPOOJAPPA,
S/O. CHIKKAKADIRAPPA,
RESIDING AT SATYAM COLONY,
BEHIND POLICE QUARTERS,
VIJAYAPURA, DEVANAHALLI TALUK,
BENGALURU RURAL-562101.
5. P.SHANKAR BABU,
S/O. VENKATRAO,
RESIDING AT DODDAKIRUGUMBI
VILLAGE, NANDI HOBLI,
CHIKKABALLAPUR TALUK-562101.
6. DURGALAKSHMI,
W/O. SHANKAR BABU,
RESIDING AT DODDAKIRUGUMBI
VILLAGE, NANDI HOBLI,
CHIKKABALLAPUR TALUK-562101.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
R4 SERVED AND UNREPRESENTED;
VIDE COURT ORDER DATED 05.12.2024,
NOTICE TO R5 AND R6 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 PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:



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ORAL ORDER

Mr.Likith Hegde, counsel on behalf of Sri.S.V.Srinivas., for the petitioner, Smt.Savithramma., AGA for respondent Nos.1 to 3 appeared in person.

Notice to respondent No.4 was ordered. A perusal of the office note depicts that respondent No.4 is served and unrepresented. Respondent No.4 has neither engaged the services of an advocate nor conducted the case as a party in person.

2. The petition is filed seeking a writ of certiorari to quash the orders passed by the Assistant Commissioner and the Deputy Commissioner. These orders are 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.

Counsel for the petitioner is presenting his argument strenuously urged there is laches on the part of the family of



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the grantee in seeking resumption of the lands. He argued that the first sale occurred in 1964. However the application for resumption of the land was filed in 2007. There is laches for almost 43 years in imitating resumption proceedings. Urging additional grounds he submits that the orders of the Assistant Commissioner and the Deputy Commissioner may be set aside.

AGA submits that as there was a violation of the provisions of the PTCL Act, the Assistant Commissioner and the Deputy Commissioner are justified in ordering resumption of the lands. Urging additional grounds, she prayed for the dismissal of the petition.

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

5. This issue is limited to resumption proceedings. The Survey No.67/5, New Sy.No.112, situated Doddakirugambi village, Nandi Hobli, Chikkaballapura Taluk. It was granted to one Mr.Chikka Kadirappa on 23.11.1948. After the grant, there were several transactions have occurred. The property was sold in 1964. Subsequently, the sale transactions have taken



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place and the portion of the land was purchased by the petitioner on 19.10.2006. As things stood thus, the family of the original grantee moved application for resumption of the land in 2007. The Assistant Commissioner on 27.11.2013 allowed the claim. Against the said order, an appeal was preferred before the Deputy Commissioner. The Deputy Commissioner vide order dated 22.01.2018 confirmed the order of the Assistant Commissioner. Both the Assistant and Deputy Commissioners overlooked the nearly 43-year 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 1964. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.

The Division Bench in W.A.No.1035/2025 clarified that laches should be regarded as the primary requirement when



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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 27.11.2013 passed by the Assistant Commissioner, and the order dated 22.01.2018 passed by the Deputy Commissioner are quashed.

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



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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.: 2 Sl No.: 26