



CNR: KAHC010057682023

NC: 2026:KHC:52563
WP No. 2397 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 2397 OF 2023 (SC/ST)

BETWEEN:

SMT. GANGA YALLAMMA
W/O. LATE PAPAIAH,
AGED ABOUT 60 YEARS,
R/AT S. NAGENAHALLI VILLAGE,
TUBUGERE HOBALI,
DODDABALLAPURA TALUK,
BANGALORE RURAL DISTRICT-561 203.

...PETITIONER

(BY SRI. KEMPEGOWDA M K.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
VIKASA SOUDHA,
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER
BANGALORE RURAL DISTRICT,
BANGALORE-562 110.
3. THE ASSISTANT COMMISSIONER
DODDABALLAPURA SUB DIVISION,
DODDABALLAPURA-561 205.
4. M. MUNIYAPPA
S/O. LATE MUNINARASAPPA,
NO.31, A.K. COLONY,



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KAREKALLU, KAMAKSHIPALYA,
BANGALORE-560 079.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. B.S. JEEVAN KUMAR .,ADVOCATE R4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 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.Kempegowda.M.K., counsel for the petitioner;
Smt.Savithramma., Additional Government Advocate for
respondent Nos. 1 to 3, and Sri.B.S.Jeevan Kumar., counsel for
respondent No.4 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. The Court heard the arguments and carefully
perused the papers.



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4. The issue involved in the present case is confined to the resumption proceedings. The land in question was granted in favor of the original grantee and, therefore, constitutes granted land. The petitioner and respondent No.4 are members of the family of the original grantee.

Respondent No.4 contended that there had been a partition in the family. On the premise that there was no such partition, the petitioner initiated proceedings under the provisions of the PTCL Act, alleging violation of the provisions thereof. The said contention cannot be accepted. The reason is apparent. The petitioner himself contends that there has been no partition in the family. Whether there has been a partition in the family or not, and the rival contentions in that regard, involve disputed questions of fact which cannot be adjudicated in exercise of the writ jurisdiction of this Court.

The petitioner, however, invoked the provisions of the PTCL Act as though there had been a violation of the provisions of the said Act. In the facts of the present case, no violation of the provisions of the PTCL Act is made out. The only dispute sought to be raised by the petitioner is with regard to the



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alleged partition within the family. If that be so, the petitioner could not have invoked the provisions of the PTCL Act and initiated resumption proceedings on the ground of an alleged violation of the said Act. In that view of the matter, the proceedings initiated by the petitioner under the provisions of the PTCL Act are liable to be quashed. The Deputy Commissioner was justified in quashing the proceedings. I find no ground to interfere with the order passed by the Deputy Commissioner. Accordingly, the writ petition stands ***dismissed***.

On dismissal 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.: 29