



CNR: KAHC010092712025

NC: 2026:KHC:51217
WP No. 4273 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 4273 OF 2025 (SC/ST)

BETWEEN:

SRI D K RAMEGOWDA
S/O LATE KALAPPA
AGED ABOUT 63 YEARS
R/AT DYAPASANDRA VILLAGE
KASABA HOBLI, MALURU TALUK
KOLAR DISTRICT- 563103

...PETITIONER

(BY SMT. NALINA MAYEGOWDA, SENIOR ADVOCATE FOR
SMT. ANUSHA B REDDY, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
REP. BY ITS PRINCIPAL SECRETARY,
M.S. BUILDING
BENGALURU-560001.
2. THE DEPUTY COMMISSIONER,
OFFICE OF THE DEPUTY COMMISSIONER AND
DISTRICT MAGISTRATE, KUMBARAHALLI,
MULABAGAL ROAD, NH-75, KOLAR-563103.
3. THE ASSISTANT COMMISSIONER
OFFICE OF ASSISTANT COMMISSIONER,
NEAR COURT CIRCLE, KOLAR-561206.
4. TAHSILDAR
TALUK OFFICE,



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MARUTI EXTENSION,
MALURU, KOLAR- 563103

5. SMT. VENKATAMMA,
W/O LATE. ARASAPPA,
HOSAPETE VILLAGE,
JANGAMAKOTE HOBLI,
SHIDLAGHATTA- 562102.
6. SRI. VENKATESH
S/O LATE. ARASAPPA,
KOLATOOR VILLAGE,
HOSKOTE TALUK- 562114.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. SHARATH S GOGI, ADVOCATE AND
SRI. MUNIRAJA H.M., ADVOCATES FOR
C/R5 AND C/R6 - ABSENT)

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

Smt. Nalina Mayegowda, Senior Counsel for the
petitioner, and Smt. Savithramma, Additional Government
Advocate for respondent Nos. 1 to 4, appeared in person.



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There is no representation from counsel for respondents 5 and 6.

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

4. This issue pertains solely to resumption proceedings. The land, Old Sy.No.112 (now New Sy.No.137), covers 2 acres in Dyapasandra Village, Kasaba Hobli, Malur Taluk. It was granted to Mr. Arasappa in 1941. He later sold the property on 20.08.1954. After the petitioner acquired the same under a registered sale deed dated:18.03.1989.

Nearly 67 years after the sale, in 2021, the Lrs. of Mr. Arasappa initiated proceedings under Section 5 of the Act before the Assistant Commissioner, seeking resumption of the



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land. The Assistant Commissioner approved the petition and ordered resumption of the land. Dissatisfied, the petitioner appealed to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 67-year delay in initiating these proceedings. They failed to consider 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 67 years, especially since the rights in the land were settled by the sale deed in 1954. 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 resuming lands. It also held that if restoration action is filed after a significant delay, it could be barred by laches.



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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.

5. For the foregoing reasons, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be set aside.

6. The writ of certiorari is ordered. The order dated 03.09.2024 passed by the Assistant Commissioner vide Annexure-B, and the order dated 04.02.2025 passed by the Deputy Commissioner vide Annexure-A are 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.

7. 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**

MRP
List No.: 1 Sl No.: 52