



CNR: KAHC010096832025

NC: 2026:KHC:52118
WP No. 4942 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. 4942 OF 2025 (SC/ST)

BETWEEN:

1. SMT RENUKAMMA K P
W/O HANUMANTHAPPA,
AGED ABOUT 63 YEARS,
2. SRI. K. P. PRASANNA
S/O HANUMANTHAPPA,
AGED ABOUT 39 YEARS,

BOTH ARE RESIDENT OF
KODIHALLI VILLAGE,
LOKIKERE POST,
MAYAKONDA HOBLI,
DAVANAGERE TALUK,
DAVANAGERE DISTRICT - 577 006.

...PETITIONERS

(BY SRI. AJAY U., ADVOCATE A/W
SRI. SAGAR B.B., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560001,
REPRESENTED BY ITS SECRETARY.
2. THE DEPUTY COMMISSIONER,
DAVANAGERE DISTRICT,
DAVANAGERE-577 006.



CNR: KAHC010096832025

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WP No. 4942 of 2025

3. THE ASSISTANT COMMISSIONER,
DAVANAGERE SUB-DIVISION,
DAVANAGERE -577 006.
4. SRI ANJINAPPA,
S/O LATE HANUMANTHAPPA,
AGED ABOUT 49 YEARS,
RESIDING AT KODIHALLI VILLAGE,
LOKIKERE POST,
MAYAKONDA HOBLI,
DAVANAGERE TALUK,
DAVANAGERE DISTRICT.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. PAWAN KUMAR, ADVOCATE FOR
SRI. H.DEVENDRAPPA, ADVOCATE FOR R4)

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.Ajay.U., counsel on behalf of Sri.Sagar.B.B.,
counsel for the petitioners; Smt.Savithramma., Additional
Government Advocate for respondent Nos.1 to 3, and
Sri.Pawan Kumar., counsel on behalf of Sri.H.Devendrappa,
counsel for respondent No.4, appeared in person.



CNR: KAHC010096832025

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.4 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, they submit that the petition lacks merit and the same 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, Sy.No.57/9, spans 1 acre. It was granted to one Kyatavra Hanmappa, in 1973-74. Later, the



CNR: KAHC010096832025

subject land was sold in 1994 through a registered sale deed.

Nearly 17 years after the sale, in 2011, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner allowed the claim. Against which, an appeal was preferred before the Deputy Commissioner and the Deputy Commissioner confirmed the order, hence, the writ petition was filed before this Court in Writ Petition No.2154/2015 and this Court vide order dated 30.07.2021 remanded the matter to the Assistant Commissioner. After remand, the Assistant Commissioner dismissed the claim. 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 rejecting the petition. However, the Deputy Commissioner overlooked the nearly 17-year delay in initiating this proceedings. He failed to consider the issue of laches or the petitioners claim that the proceedings were commenced after an unreasonable delay.



CNR: KAHC010096832025

The authority should have evaluated whether to proceed after nearly 17 years, especially since the rights in the land were settled by the sale deed in 1994. 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 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.



**NC: 2026:KHC:52118
WP No. 4942 of 2025**

CNR: KAHC010096832025

7. The writ of certiorari is ordered. The order dated 21.10.2024 passed by the Deputy Commissioner vide Annexure-H is quashed. As this Court has quashed the order, the authority concerned is hereby directed to restore the petitioners 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.: 46