



CNR: KAHC010099702024

NC: 2026:KHC:51798
WP No. 5070 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 5070 OF 2024 (SC/ST)

BETWEEN:

SAMPANGA BHOVI
SINCE DECEASED BY HIS LR'S

1. VENKATACHALAYYA
S/O LATE SAMPAGA BHOVI
AGED ABOUT 55 YEARS,
2. SMT. VENKATAMMA
W/O KRISHNAPPA
(D/O LATE SAMPAGA BHOVI)
AGED ABOUT 52 YEARS,
R/AT PATTARADHYA PALYA VILLAGE,
POST KAGGALIPURA - 560 082
BENGALURU RUARAL DISTRICT.
3. RAMA BHOVI
S/O LATE SAMPAGA BHOVI,
AGED ABOUT 48 YEARS,
4. LACHMAYYA
S/O LATE SAMPAGA BHOVI
AGED ABOUT 45 YEARS,
5. SHOBHA K S
W/O CHANDRAPPA
(D/O LATE SAMPAGA BHOVI),
AGE: 40 YEARS
1,3 TO 5 ARE R/O KEMPAYYANA PALYA,
KUNCHUGARAHALLI VILLAGE,

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



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BIDADI HOBLI - 562 109
RAMANAGARA TQ AND DISTRICT.

...PETITIONERS

(BY SRI. CHANDRASHEKAR P PATIL., ADVOCATE)

AND:

1. GOVERNMENT OF KARNATAKA
THROUGH SECRETARY,
DEPARTMENT OF PARLIAMENTARY
AFFAIRS AND LEGISLATION,
ROOM NO.137, 1ST FLOOR,
VIDHANA SOUDHA,
BENGALURU -560 001.
2. THE DEPUTY COMMISSIONER
RAMANAGARA DISTRICT,
RAMANAGARA-562 120.
3. THE ASSISTANT COMMISSIONER
RAMANAGARA SUB DIVISION,
RAMANAGARA - 562 120.
4. THE TAHASILDAR
RAMANAGARA TALUK,
RAMANAGARA - 562 120.
5. MUTTURAJU D.,
S/O DASAPPA, AGE MAJOR
6. NAGARAJU D.,
S/O DASAPPA, AGE MAJOR,

RESPONDENTS NO.5 AND 6 ARE
R/O KEMPAYYANA PALYA
BIDADI HOBLI - 562 109
RAMANGARA TQ AND DISTRICT.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. SRIDHARA D.R., ADVOCATE FOR R5 AND R6)



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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.Chandrashekar P.Patil., counsel for the petitioners; Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 4, and Sri.Sridhara D.R., counsel for respondent Nos.5 and 6, appeared 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.



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AGA and counsel for respondent Nos.5 and 6 justified the action on the part of the Assistant Commissioner and the Deputy Commissioner. They argued that there was a violation of the provisions of PTCL Act, hence, the action was justified.

Counsel for respondent Nos.5 and 6 further submits that the alienation was done within a period of 15 years. 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 is Sy.No.21, new Sy.No.21/P5, spans 1 acre in Kempayyanapalya Village, Bidadi Hobli, Ramanagara Taluk. It was granted to Mr.Mulabagilaiah, in 1978. Later, the original grantee sold the property on 13.02.1991 through a registered sale deed.



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Nearly 22 years after the sale, in 2013, the Lrs. of original grantee initiated proceedings under Section 5 of the PTCL Act before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, the petitioners appealed to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 22-year delay in initiating these proceedings. They failed to consider the issue of laches or the petitioners claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 22 years, especially since the rights in the land were settled by the sale deed in 1991. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.



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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 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 10.06.2016 passed by the Assistant Commissioner vide Annexure-C, and the order dated 11.01.2024 passed by the Deputy Commissioner vide Annexure-B are quashed. As this Court has quashed the orders, the



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authority concerned is hereby directed to restore the petitioner's 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.: 52