



CNR: KAHC010111012016

NC: 2026:KHC:53772
WP No. 57894 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 57894 OF 2016 (SC/ST)

BETWEEN:

1. ALIBABA
S/O LATE KASIM SAB
AGED ABOUT 55 YEARS
AGRICULTURIST
2. IBRAHIM SAB
S/O LATE KASIM SAB
AGED ABOUT 66 YEARS
AGRICULTURIST

BOTH ARE RESIDING AT
DONABAGHATTA VILLAGE
BADRAVATHI TALUK
SHIMOGA DISTRICT

...PETITIONERS

(BY SRI. VARADARAJ R HAVALDAR, ADVOCATE)

AND:

1. RANGANATHA
S/O NAGAPPA
AGED ABOUT 49 YEARS
R/O A K COLONY,
DONABAGHATTA VILLAGE
BADRAVATHI TALUK
SHIMOGA DISTRICT-577201
2. THE ASSISTANT COMMISSIONER
OFFICE OF THE ASSISTANT COMMISSIONER



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SHIMOGA SUB DIVISION
MAHAVEER CIRCLE, BALARAJ URS ROAD,
SHIMOGA - 577201

3. THE DEPUTY COMMISSIONER
SHIMOGA DISTRICT
OFFICE OF THE DEPUTY COMMISSIONER
MAHAVEER CIRCLE, BALARAJ URS ROAD,
SHIMOGA - 577201

...RESPONDENTS

(BY SRI. P N HARISH, ADVOCATE FOR R1;
SMT. SAVITHRAMMA, AGA FOR R2 AND R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR HEARING, THIS
DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Varadaraj R.Havaladar., counsel for the petitioners;
Sri.P.N.Harish., counsel for respondent No.1 and
Smt.Savithramma., Additional Government Advocate for
respondent Nos.2 & 3 appeared in person.

2. The petition is filed seeking a writ of certiorari to
quash the order passed by the Deputy Commissioner. This



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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.

Counsel for the petitioners in presenting his arguments vehemently contended the Deputy Commissioner ought to have confirmed the order of the Assistant Commissioner, as there was laches of almost 10 years. Hence, question of remand does not arise.

AGA and counsel for respondent No.1 justified the remand order. 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. The present issue is confined to the resumption proceedings. The land in question was granted in favor of the grantee in the year 1977. Subsequently, the subject land was sold in the year 1993 under a registered sale deed.



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Nearly 10 years after the said sale transaction, resumption proceedings were initiated before the Assistant Commissioner in the year 2003. The Assistant Commissioner dropped the petition. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who proceeded to remand the matter to the Assistant Commissioner.

The Assistant Commissioner was justified in dropping the petition. However, while remanding the matter, the Deputy Commissioner failed to take into consideration the inordinate delay of nearly 10 years in initiating the resumption proceedings. The Deputy Commissioner ought to have affirmed the order passed by the Assistant Commissioner instead of remanding the matter. The Deputy Commissioner also failed to consider the issue of laches and the petitioners' specific contention that the proceedings had been initiated after an unreasonable and unexplained delay.

The authority should have evaluated whether to proceed after nearly 10 years, especially since the rights in the land were settled by the sale deed in 1993. The oversight in considering the delay and laches led to order for land



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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.

7. The writ of certiorari is ordered. The order dated 16.03.2016 passed by the Deputy Commissioner is quashed. The order passed by the Assistant Commissioner is confirmed. 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.



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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**

MRP
List No.: 1 Sl No.: 114