



CNR: KAHC010112762023

NC: 2026:KHC:41546
WP No. 5117 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.5117 OF 2023 (SC/ST)

BETWEEN:

1. SHANKARALINGAPPA
AGED ABOUT 65 YEARS
S/O SHIVANNA,
R/AT HUCCHAGONDANAHALLI,
KASABA HOBLI,
TIPTUR TALUK-572 201.

...PETITIONER

(BY SRI. VINAYA KEERTHY M, ADVOCATE)

AND:

1. DY. COMMISSOINER
TUMKURU DISTRICT,
TUMAKURU-572 201.
2. ASST. COMMISSIONER
TIPTUR SUB-DIVISION, TIPTUR
TUMAKURU DISTRICT-572 201.
3. T.N. NAGARAJU
AGED ABOUT 40 YEARS
S/O NARAYANAPPA
VIVEKANANDA NAGAR
TIPTUR TOWN
TUMAKURU DISTRICT-572 201.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA., FOR R.1 AND R.2;
SRI. HANDRAL NINGAPPA, ADVOCATE FOR R.3.)

Digitally
signed by
GEETHA P G
Location:
HIGH
COURT OF
KARNATAKA



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THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 02.01.2023 PASSED BY RESPONDENT NO.1 IN PETITION NO.PTCL/09/2019 (ANNEXURE-D), ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THROUGH PHYSICAL HEARING/VIDEO CONFERENCING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

1. The land which is the subject matter of the writ petition was granted in favour of the original grantee in the year 1952. He belonged to Scheduled Caste/Scheduled Tribe community. The land was sold in the year 1967. The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short 'PTCL Act') came into force on 01.01.1979. Respondent no.3 is the legal representative of the original grantee. For the first time, an application under Section 5 of the PTCL Act challenging the sale was filed in the year 2015. Respondent no.2-Assistant Commissioner allowed the application on the ground that Sections 4(1) and 4(2) of the PTCL Act was violated and ordered for resumption and restoration of the land in favour of the legal representatives of



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the original grantee. The appeal filed by the petitioner against the said order of Assistant Commissioner has been dismissed by respondent no.1-Deputy Commissioner. Aggrieved by the same, the present writ petition is filed.

2. The case of the petitioner is that the application under Section 5 of the PTCL Act has been filed after an unreasonable delay of 48 years from the date of sale and about 36 years from the date on which the PTCL Act came into force and the said delay has not been satisfactorily explained. On the said ground, it is prayed that the writ petition be allowed.

3. Learned counsel for respondent no.3 as well as learned Additional Government Advocate justify the impugned orders and pray for dismissal of the writ petition.

4. The only question that arises for consideration is whether there is any inordinate and unreasonable delay in filing the application under Section 5 of the PTCL Act.

5. Hon'ble Apex Court in ***Nekkanti Rama Lakshmi vs. State of Karnataka and Another*** reported in ***(2020) 14 SCC 232*** as well as the decision of this Court in the case of ***R.Suresh Mohan***



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v. State of Karnataka and Others in ***W.P.No.3597/2018***, have held that an unreasonable delay in challenging the sale becomes fatal to an application filed under Section 5 of the PTCL Act.

6. Admittedly, the sale was effected in the year 1967. The PTCL Act came into force on 01.01.1979. The application under Section 5 of the PTCL Act was filed only in the year 2015, after a lapse of 48 years from the date of sale and about 36 years from the date on which the PTCL Act came into force. The said delay has not been satisfactorily explained by respondent no.3. Under the facts and circumstances of the case, the same has to be held as unreasonable. Respondent nos.1 and 2 have committed an error by passing the impugned orders. Accordingly, the impugned orders are liable to be set aside.

7. Hence, the following:

ORDER

- (i) The writ petition is ***allowed***;
- (ii) The impugned order dated 15.02.2019 bearing
no.ಪಿ.ಟಿ.ಸಿ.ಎಲ್ ಎಸ್‌ಆರ್ 14/15-16 passed by



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respondent no.2-Assistant Commissioner vide Annexure-C to the writ petition is hereby set aside;

(iii) The impugned order dated 02.01.2023 bearing no.ಪಿಟಿಸಿಎಲ್-09/2019 passed by respondent no.1-Deputy Commissioner vide Annexure-D to the writ petition is hereby set aside;

(iv) The application filed under Section 5 of the PTCL Act by respondent no.3 before respondent no.2 is hereby dismissed.

**Sd/-
(M.I.ARUN)
JUDGE**

PGG
List No.: 1 SI No.: 37