



CNR: KAHC010113442024

NC: 2026:KHC:51799
WP No. 6603 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. 6603 OF 2024 (SC/ST)

BETWEEN:

SMT. GANGAMMA
W/O SRI KEMPAIAH
AGED ABOUT 65 YEARS
R/AT NO 115 (OLD 85)
SRI VEERABHADRASWAMY NILAYA
BANASHANKARI, 3RD STAGE
BANGALORE - 560 085.

...PETITIONER

(BY SRI. LOHITASWA BANAKAR, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
BANGALORE RURAL DISTRICT
DODDABALLAPURA - 561 203.
2. THE ASSISTANT COMMISSIONER
DODDABALLAPURA SUB-DIVISION
DODDABALLAPURA TALUK - 561 203.
3. THE TAHSILDAR
DODDABALLAPURA TALUK
DODDABALLAPURA - 561 203.
4. SRI MUTTURAJ
S/O LATE RANGAIAH
AGED ABOUT 48 YEARS
R/AT DODDAHEJJAJI VILLAGE
DODDABELAVANGALA HOBLI

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



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DODDABALLAPURA TALUK
BANGALORE RURAL DISTRICT - 561 203.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;.
SRI. B.G. NANJUNDARADHYA, 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.Lohitaswa Banakar, counsel for the petitioner,
Additional Government Advocate for respondent Nos.1 to 3 and
Sri.B.G.Nanjundaradhya, counsel for respondent No.4.

2. The petition is filed seeking a writ of certiorari to
quash the orders passed by the Assistant Commissioner and
the Deputy Commissioner.

3. Counsel for the respective parties advanced several
contentions.

Counsel for the petitioner in presenting his arguments
submits that the land in question was granted to one Mr.



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Rangaiah in 1983. He sold the same. The grantee's family sold the property to the petitioners on 15.02.2003. However, the resumption proceedings were initiated in 2012 after laches of 9 years. Counsel therefore submits that having executed a registered sale deed, initiation of proceedings under the PTCL Act after unreasonable delay, does not arise. Urging additional grounds, he prayed for dismissal of the petition.

Additional Government Advocate and respondent No.4 justified the action on the part of the Assistant Commissioner and Deputy Commissioner. Urging additional grounds, they submit that there is violation of provisions of PTCL Act. hence, an appropriate order may be passed.

4. Heard the arguments and perused the papers with utmost care.

5. The issue revolves within a narrow compass and relates to the resumption proceedings. The land, Sy.No.151/P22), covers 1 acre in Doddahējaji Village, Doddabelavangala Hobli, Doddaballapur Taluk, Bangalore Rural District. It was granted to Sri.Rangaiah in 1983. The grantee's



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family sold the property to the petitioners on 15.02.2003. However, resumption proceedings were initiated in 2012 after laches of 9 years.

However, proceedings were initiated under Section 5 of the Act, in 2012 after a considerable delay of 9 years. The Assistant Commissioner, through an order dated 20.05.2017, approved the claim. An appeal was then filed with the Deputy Commissioner, who, in an order dated 22.09.2023, upheld the Assistant Commissioner's decision. However, both the Assistant and Deputy Commissioners overlooked the nearly 9-year delay in initiating these proceedings. They failed to consider laches or the petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 9 years, especially since the rights in the land were settled by the sale deed executed on 15.02.2003. 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 in W.A.No.1035/2025 clarified that laches should be the primary consideration 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 sustained in law. 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 20.05.2017 passed by the Assistant Commissioner vide Annexure-J, and the order dated 22.09.2023 passed by the Deputy Commissioner vide Annexure-M are quashed. As this Court has quashed the orders, the authority concerned is



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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**

SS
List No.: 1 Sl No.: 54