



CNR: KAHC010118532015

NC: 2026:KHC:53707
WP No. 32567 of 2015

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. 32567 OF 2015 (SC/ST)

BETWEEN:

- 1 SMT. KHURSHEEDA BEE
W/O LATE BASHA SAB
SINCE DEAD BY HER LRS,
- 1A SRI. JABEEULLA
S/O LATE. KHURHEED BEE,
AND LATE. BASHA SAB,
AGED ABOUT 52 YEARS.
- 1B SMT. HASEENA TAJ
W/O LATE. SHAFIULLA
DAUGHTER IN LAW OF
LATE. KHURSHEED BEE,
AND LATE. BASHA SAB,
AGED ABOUT 40 YEARS.
- 1C SMT. FARHANA
D/O LATE. KHURSHEED BEE,
W/O LATE. BASHA SAB,
AGED ABOUT 45 YEARS.
- 1D SRI. SAMIULLA
S/O LATE. KUHURSHEED BEE
AND LATE. BASHA SAB,
AGED ABOUT 38 YEARS.

ALL ARE R/AT HUDUGUR VILLAGE,
D-PALYA HOBLI,

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



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GAURIBIDANUR TALUK - 561 206.
CHIKKABALLAPURA DISTRICT.

...PETITIONERS

(BY SRI. S. A. KHADRI, ADVOCATE FOR P1 (A TO D))

AND:

1. THE DEPUTY COMMISSIONER,
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA.
2. THE ASSISTANT COMMISSIONER
CHIKKABALLAPURA SUB-DIVISION,
CHIKKABALLAPURA.
3. SRI. VENKATAPPA
S/O LATE. DODDAKADIRAPPA,
MAJOR,
R/AT D-PALYA VILLAGE,
D-PALYA HOBLI,
GAURIBIDANUR TALUK - 561 206.
CHIKKABALLAPURA DISTRICT.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. H. L. V. VENKATESH, ADVOCATE FOR
SRI. L. SRINIVASA BABU, ADVOCATE FOR 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 PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:



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ORAL ORDER

Sri.S.A.Khadri., counsel appearing for petitioner No.1(a) to 1(d), AGA., appearing for respondent Nos.1 and 2 and Sri.H.L.V.Venkatesh., counsel appearing on behalf of Sri.L.Srinivasa Babu., for respondent No.3 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.

The counsel for petitioner Nos.1(a) to 1(d) in presenting his arguments submits that the alienation has taken place in 1971. However, the resumption proceedings were initiated in 2009, after laches of almost 38 years. Urging additional grounds, he submits that the order of the Assistant Commissioner and the Deputy Commissioner may be set aside and the petition may be allowed.



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Additional Government Advocate and the counsel appearing for respondent No.3 justified the resumption proceedings.

Counsel appearing for respondent No.3 submits that the petitioners did not raise the plea of laches before either the Assistant Commissioner or the Deputy Commissioner. Therefore, it is contended that the petitioners cannot be permitted to raise the said ground for the first time in the present writ proceedings. He further submits that, although the authorities have recorded the non-alienation period as 10 years, the statutory requirement mandates that the non-alienation period ought to have been taken as 15 years. It is vehemently contended that the Act is a beneficial piece of legislation enacted to protect the interests of the beneficiaries and, therefore, the resumption of the granted land is justified.

4. The Court heard the arguments and carefully perused the papers.

5. The issue falls within a narrow compass and relates to the resumption proceedings initiated after laches of almost



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38 years. The land in question was granted to one Sri.Venkatappa in 1954. The first sale has occurred on 25.05.1971 and the second sale in 1985.

Nearly 38 years after the sale, in 2009, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner allowed the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 38 years delay in initiating these proceedings. They failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay. The contention regarding the non-taking of the contention before the Assistant Commissioner and the Deputy Commissioner about the laches must necessarily fail. The reason is apparent. The laches is a question of law and this Court can as well take that into consideration and pass appropriate orders.

The authorities should have evaluated whether to proceed after nearly 38 years, especially since the rights in the land



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were settled by the sale deed in 2009. The oversight in considering the delay and laches led to orders 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 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 19.11.2012 passed by the Assistant Commissioner vide



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Annexure-B, and the order dated 12.05.2014 passed by the Deputy Commissioner vide Annexure-A are quashed. As this Court has quashed the orders, the 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**

CH
List No.: 1 Sl No.: 30