



CNR: KAHC010150822015

NC: 2026:KHC:55414
WP No. 570 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.570 OF 2015 (SC/ST)

BETWEEN:

1. SRI G.N. ESHWARAPPA
DEAD BY HIS LR'S
- (a) SMT. PAARAMMA,
65 YEARS
W/O LATE G.N. ESHWARAPPA
- (b) SRI. SURESH
33 YEARS
S/O. LATE G.N. ESHWARAPPA

LR'S 1(a) & (b) BOTH ARE
R/AT DIGGENAHALLI VILLAGE
CHANNAGIRI TALUK-577 213
DAVANAGERE DISTRICT.

...PETITIONERS

(BY SRI. D.R. BASAVARAJAPPA, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
DAVANAGERE DISTRICT
DAVANAGERE.
2. THE ASSISTANT COMMISSIONER
DAVANAGERE SUB-DIVISION
DAVANAGERE.
3. SRI LAKSHMANAPPA
DEAD BY LR'S



NC: 2026:KHC:55414
WP No. 570 of 2015

CNR: KAHC010150822015

- i. SUNDRAMMA
47 YEARS
W/O LATE LAKSHMANAPPA
- ii. UMESH
45 YEARS
S/O LATE LAKSHMANAPPA
- iii. NAGARAJ,
42 YEARS
S/O LATE LAKSHMANAPPA
- iv. ANJINAPPA
40 YEARS
S/O LATE LAKSHMANAPPA

R3(i-iv) ARE R/O. BANASHANKARI HONI,
THUMMINAKATTE VILLAGE
RANEBENNURU TALUK
HAVERI DISTRICT-577 217.

- 4. SRI A K CHANDRAPPA
45 YRS
S/O LATE HANUMAPPA
R/AT THIPPEGONDANAHALLI VILLAGE
CHANNAGIRI TALUK-577 213
DAVANAGERE DISTRICT.

...RESPONDENTS

[BY SMT. SAVITHRAMMA, AGA., FOR R.1 & R.2;
SRI THIPPESWAMY T., ADVOCATE FOR R.4 (ABSENT);
R.3 (A) TO (D) ARE SERVED AND UNREPRESENTED.]

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



CNR: KAHC010150822015

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri. D.R.Basavarajappa., counsel appearing for petitioner Nos.P1(A) and P1(B) and Smt.Savithramma., AGA appearing for respondent Nos.1 and 2 appeared in person.

There is no representation on behalf of 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. 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.

AGA submits that as there was a violation of the provisions of the PTCL Act, the Assistant Commissioner and the Deputy Commissioner are justified in ordering resumption of



CNR: KAHC010150822015

the lands. Urging additional grounds, she prayed for the dismissal of the petition.

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

5. This issue is limited to resumption proceedings. The land in question was granted to one Sri.Hanumanthappa, in 1953. Later, the legal heirs of the original grantee has sold the property in question to Sri.Lakshmanappa through a registered sale deed in 1977-78 and subsequently the land was sold in 1999.

As things stood thus, the family of the original grantee moved application for resumption of the land in 2009. The Assistant Commissioner allowed the claim. Against the said order, an appeal was preferred before the Deputy Commissioner. The Deputy Commissioner confirmed the order of the Assistant Commissioner. Both the Assistant and Deputy Commissioners overlooked the nearly 32 years delay in initiating these proceedings. They failed to consider the issue of



CNR: KAHC010150822015

laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 32 years, especially since the rights in the land were settled by the sale deed in 1977. 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.



**NC: 2026:KHC:55414
WP No. 570 of 2015**

CNR: KAHC010150822015

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 13.11.2013 passed by the Assistant Commissioner vide Annexure-C, and the order dated 28.11.2014 passed by the Deputy Commissioner vide Annexure-F are quashed.

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.: 32