



CNR: KAHC010163142020

NC: 2026:KHC:53706
WP No. 8178 of 2020

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. 8178 OF 2020 (SC/ST)

BETWEEN:

SHRI. SEENAPPA
S/O DODDAPPAIAH,
AGED ABOUT 54 YEARS,
R/O BANAHALLI VILLAGE,
KASABA HOBLI,
BANGARPET TALUK - 563 114.

...PETITIONER

(BY SRI. G.A. SRIKANTE GOWDA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF LAND REVENUE,
VIKASA SOUDHA,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,
KOLAR - 563 103.
3. THE ASSISTANT COMMISSIONER,
KOLAR SUB-DIVISION,
KOLAR - 563 102.
4. SRI. VENKATARAMAPPA
S/O NARAYANAPPA,
AGED ABOUT 55 YEARS,
OCC: AGRICULTURE,
R/O KARIMANAHALLI VILLAGE,

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



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ALAMBALI GRAMA PANCHAYATH,
KASABA HOBLI,
BANGARPET TALUK - 563 114.

5. SHRI. A.K. NAGARAJA,
S/O NARAYANAPPA,
AGED ABOUT 38 YEARS,
OCC: AGRICULTURE,
R/O BANAHALLI VILLAGE,
KASABA HOBLI,
BANGARPET TALUK - 563 114.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. S VISWESWARAIAH, ADVOCATE FOR R5
V/O DATED: 31.01.2024, R4 IS SERVED
AND UNREPRESENTED)

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

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

ORAL ORDER

Sri.G.A.Srikante Gowda, counsel for the petitioner,
Smt.Savithramma, Additional Government Advocate for
respondent Nos.1 to 3 and Sri.S.Visweswaraiah, counsel for
respondent No.5 appeared in person.



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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.

Counsel for the petitioner in presenting his argument submits that the original grantee Ganga along with son and grandson sold the property in 1995 and the petitioner purchased the property in 1997 and the applicant who moved the application for resumption is also a party to the sale deed. Counsel therefore submits that when an applicant is a party to the sale deed, he could not have moved the application for resumption. Urging additional grounds, he prayed that the order of the resumption of the land is untenable in law and hence, the orders of the Assistant Commissioner and Deputy Commissioner are untenable and the writ petition may be allowed.



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Additional Government Advocate and counsel for respondent No.5 justified the orders of the Assistant Commissioner and Deputy Commissioner. They submitted that as there was violation of the provisions of the Act, hence the resumption was justified.

Counsel for respondent No.5 contended that there is no laches on the part of the applicant to move for resumption of the land. The application is filed within a period of 6 years. He placed reliance on decision of the Hon'ble Apex Court in **'SATYAN VS. DEPUTY COMMISSIONER', AIR 2019 SC 2797** and the order dated 25.11.2024 in W.A.No.210/2023 (**SMT.M.MANJULA AND OTHERS VS. THE DEPUTY COMMISSIONER AND OTHERS**).

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

5. This issue is limited to resumption proceedings. The land in question was granted to Sri.Ganga, in 1963. It was sold to one Sri.Venkataramappa by the original grantee Sri.Ganga and his son Sri.Narayanappa and the minor grandson, the



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applicant Sri.Nagaraju. It is noted that the applicant was represented by natural guardian on 12.06.1995 and the purchaser Sri.Venkataramappa sold the property in favor of petitioner on 04.04.1997. However, despite the sale of the land by the applicant represented by natural guardian, he moved resumption of proceedings before the Assistant Commissioner.

Furthermore, the grantee himself has sold the property and initiated the resumption proceedings. In view of the law laid down by the Hon'ble Apex Court in the *Seethamma* case, he could not have instituted proceedings under the provisions of the PTCL Act.

In the Court's opinion, when the applicant was a party to the sale deed, he could not have initiated resumption proceedings. The Assistant Commissioner and the Deputy Commissioner could not have ordered resumption of the land when an applicant was a party to the sale deed. The third party's rights are created, hence, the initiation of proceedings even after the sale deed cannot be sustained. Accordingly, the impugned orders are liable to be set aside.



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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 19.01.2017 passed by the Assistant Commissioner vide Annexure-E, and the order dated 04.11.2019 passed by the Deputy Commissioner vide Annexure-G 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**

SS
List No.: 1 Sl No.: 15