



CNR: KAHC010174542026

NC: 2026:KHC:53765
WP No. 8064 of 2026

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. 8064 OF 2026 (SC/ST)

BETWEEN:

1. SRI R RAJANNA
S/O. RANGAIAH
AGED ABOUT 65 YEARS
2. SMT. SAVITHRAMMA
W/O. R. RAJANNA
AGED ABOUT 59 YEARS
3. SMT. S.K. MOBIN TAJ
W/O. S.K. KAREEMULLAH
AGED ABOUT 58 YEARS
REP. BY GPA HOLDER
SMT. CHANNAMMA
W/O. LATE. GANGARANGAIAH
AGED ABOUT 77 YEARS

ALL ARE R/AT. RANGANATHAPURA,
NAGAVALLI VILLAGE,
HEBBURU HOBLI - 572 118
TUMAKURU TALUK AND DISTRICT.

...PETITIONERS

(BY SRI. SIDDARAMAIAH V.B., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE,
MS BUILDING, DR B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001



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2. THE DEPUTY COMMISSIONER
TUMAKURU DISTRICT
MINI VIDHANA SOUDHA,
DR B.R. AMBEDKAR ROAD,
TUMAKURU 572 101
3. THE ASSISTANT COMMISSIONER
TUMAKURU SUB-DIVISION,
MINI VIDHANA SOUDHA,
DR B.R. AMBEDKAR ROAD,
TUMAKURU-572 101.
4. THE TAHASILDAR
TUMAKURU TALUK,
MINI VIDHANA SOUDHA,
DR B.R. AMBEDKAR ROAD,
TUMAKURU-572 101.
5. SMT. LAKSHMIDEVAMMA
W/O. CHIKKARANGAIAH
AGED ABOUT 58 YEARS
R/AT. 2ND CROSS, NAGAVALLI ROAD
HONNUDIKE - 572 122.
TUMAKUR TALUK AND DISTRICT
6. SRI. RANGARAJU,
S/O. DODDARANGAIAH
MAJOR- AGE NOT KNOWN TO PETITIONER,
R/AT. NAGAVALLI,
TUMAKURU TALUK AND DISTRICT

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. MANJUNATH T.M., ADVOCATE FOR R5;
VIDE COURT ORDER DATED 11.09.2026,
NOTICE TO R6 IS DISPENSED WITH)



CNR: KAHC010174542026

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.Siddaramaiah.V.B., counsel for the petitioners and Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 4 appeared in person. Sri.Manjunath.T.M., counsel for respondent No.5 appeared through video conferencing.

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.



CNR: KAHC010174542026

Counsel for the petitioners in presenting his arguments submits that the subject land was regularised for unauthorised occupation. Hence, provisions of PTCL Act does not attract and there is laches of 19 years on the part of grantee's family. Therefore, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be quashed.

AGA and counsel for respondent No.5 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Counsel for respondent No.5 submits that there is no laches under the PTCL Act. Urging additional grounds, they submit that the petition lacks merit and the same may be dismissed.

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

5. The issue in the present proceedings is confined to the resumption proceedings. The subject land was initially in the unauthorized occupation of Mr.



CNR: KAHC010174542026

Chikkarangaiah and, subsequently, the said occupation was regularized during the year 1977-78. Thereafter, a portion of the subject land was conveyed under a registered sale deed in the year 1997.

Nearly 19 years after the said sale, resumption proceedings were initiated before the Assistant Commissioner during the year 2016-17. The Assistant Commissioner allowed the petition and ordered resumption of the subject land. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who confirmed the order passed by the Assistant Commissioner. However, both the Assistant Commissioner and the Deputy Commissioner failed to take into consideration the substantial delay of nearly 19 years in initiating the resumption proceedings. The authorities also failed to consider the issue of laches and the specific contention of the petitioners that the proceedings had



CNR: KAHC010174542026

been initiated after an unreasonable and unexplained delay.

The authorities ought to have examined whether the resumption proceedings could be maintained after such a prolonged period, particularly when rights in respect of the subject land had been dealt with under a registered sale deed executed in the year 1997. The failure to consider the issue of delay and laches has resulted in orders directing resumption of the land without addressing a material and relevant aspect of the matter.

Moreover, where the unauthorized occupation of the land has been duly regularized, the provisions of the PTCL Act would not be attracted.

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.



CNR: KAHC010174542026

In the facts and circumstances of the present 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 02.04.2025 passed by the Assistant Commissioner vide Annexure-N, and the order dated 06.02.2026 passed by the Deputy Commissioner vide Annexure-U 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***.



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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**

MRP
List No.: 1 Sl No.: 94