



CNR: KAHC010196082019

NC: 2026:KHC:50450
WP No. 29513 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 29513 OF 2019 (SC/ST)

BETWEEN:

SMT. NALLAMMA,
AGED ABOUT 65 YEARS,
WIFE OF MADDURAPPA,
RESIDENT OF BULLAHALLI,
VIJAYAPURA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT,
PIN-562112.

...PETITIONER

(BY SRI. PAVAN KUMAR G., ADVOCATE FOR
SRI. SRINIVAS S.K., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
BENGALURU RURAL DISTRICT,
BEERASANDRA VILLAGE,
KUNDANA HOBLI,
DEVANAHALLI TALUK-562110.
2. THE ASSISTANT COMMISSIONER,
DODDABALLAPURA SUB-DIVISION,
DODDABALLAPURA-561203.
3. SRI. MUNINARASAPPA,
S/O. LATE POOJAPPA,
SINCE DECEASED BY HER LRS

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



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3(A) SMT. GULLAMMA,
WIFE OF LATE MUNINARASAPPA,
AGED ABOUT 56 YEARS,

3(B) SRI. GOVINDARAJU B.M.,
SON OF LATE MUNINARASAPPA,
AGED ABOUT 36 YEARS,

3(C) SRI. GIRISH B.M.,
SON OF LATE MUNINARASAPPA,
AGED ABOUT 31 YEARS,

RESPONDENTS 3(A TO C) ARE
R/AT NO.165, VENKATAGIRIYAPPA GARDEN ROAD,
VIRUPAKSHAPURA, KODIGEHALLI MAIN ROAD,
VIDYARANYAPURA POST, BENGALURU-560097.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 & R2;
SRI. C.BABU, ADVOCATE FOR R3(A TO C))

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. Pavan Kumar.G., counsel on behalf of Sri.
Srinivas.S.K., for the petitioner; Smt. Savithramma., AGA for
respondents 1 and 2; and Sri. C. Babu., counsel for respondent
No. 3 (A to C), appeared in person.



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2. The key facts are as follows.

The Sy.No.2, Block No.5 of Bullahalli village, Vijayapura Hobli, Devanahalli Taluk, measures 2 acres. It was granted to one Mr. Poojappa on 29.05.1974, and the Saguvalli Chit was issued on 04.05.1977. He sold the property in favor of the petitioner on 08.01.1996, and the sale deed was registered on 27.09.1996.

After nearly 13 years, the LRs of the original grantee filed an application for land resumption before the Assistant Commissioner in 2009. The Assistant Commissioner approved this application in an order dated 19.06.2014. An appeal was then filed against this decision, and the Deputy Commissioner upheld it in an order dated 04.06.2019. Consequently, the petitioner has now approached this Court.

3. Counsel for the respective parties advanced several contentions.

The petitioner's counsel argues that the sale took place in 1996, and the petition was filed after a significant delay of 13



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years. It is contended that the Assistant Commissioner should have rejected the application due to laches.

Counsel for respondent No.3(A to C) defended the orders of the Assistant Commissioner and Deputy Commissioner, asserting that the resumption application was filed within a timely frame and that the issue of laches is not applicable.

AGA submits that an appropriate order may be passed.

4. Heard the arguments and carefully perused the papers.

5. This issue pertains solely to resumption proceedings. About 13 years after the sale, in 2009, proceedings under Section 5 of the Act were initiated before the Assistant Commissioner, requesting land resumption. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied with this, an appeal was filed with the Deputy Commissioner, who upheld the original order. However, both officials overlooked the substantial delay of nearly 13 years in starting these proceedings. They did not



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consider the issue of laches or the petitioner's claim that the proceedings were initiated after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 13 years, especially since rights related to the land were settled by the sale deed in 1996. 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 in W.A.No.1035/2025 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.



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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 19.06.2014 passed by the second respondent vide Annexure-D and the order dated 04.06.2019 passed by the first respondent 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

MRP
List No.: 1 Sl No.: 27