



CNR: KAHC010209262019

NC: 2026:KHC:53708
WP No. 32972 of 2019

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. 32972 OF 2019 (SC/ST)

BETWEEN:

1. SRI. K V VENKATARAVANAPPA
S/O SRI. BUDDAPPA
AGED ABOUT 51 YEARS,
R/AT KOSANDRA VILLAGE,
NELAVANKI HOBLI,
SRINIVASAPURA TALUK,
KOLAR DISTRICT - 563 135.
2. SRI. K M REDDAPPA
S/O MALLAPPA
AGED ABOUT 43 YEARS,
R/AT JODIKOTHAPALLI VILLAGE,
NELAVANKI HOBLI,
SRINIVASAPURA TALUK,
KOLAR DISTRICT - 563 135.

...PETITIONERS

(BY SRI. B RAMESH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT,
M.S. BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
REP BY ITS SECRETARY.
2. THE DEPUTY COMMISSIONER,
KOLAR SUB-DIVISION,
KOLAR-563101.



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3. THE ASSISTANT COMMISSIONER,
KOLAR SUB-DIVISION,
KOLAR-563101.
4. GOVINDAPPA
SINCE DEAD REP BY HIS LR,
- 4(A) SRI K.N. SRINIVASAPPA
S/O NELAPPA
AGED ABOUT 39 YEARS,
R/AT JODIKOTHAPALLI VILLAGE,
NELAVANKI HOBLI,
SRINIVASAPURA TALUK,
KOLAR DISTRICT - 563 135.

...RESPONDENTS

(BY SMT. SPOORTHY V., HCGP FOR R1 TO R3;
SRI. G. M. SRINIVASA REDDY, ADVOCATE FOR R4 (A))

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.B.Ramesh., counsel appearing for the petitioners,
HCGP., appearing for respondent Nos.1 to 3 and
Sri.G.M.Srinivasa Reddy., counsel appearing for respondent
No.4(a) 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 petitioners in presenting his arguments submits that the original grantee himself sold the property and hence, he could not have initiated resumption proceedings in 2014. He argued that in view of the law laid down by the Hon'ble Apex Court in the *Seethamma's* case, has held that, if the applicant is a party to the sale deed, he cannot initiate resumption proceedings. Urging additional grounds, he submits that the order of the Assistant Commissioner and the Deputy Commissioner are liable to be quashed and the writ petition may be allowed.

High Court Government Pleader and the counsel appearing for respondent No.4(a) justified the resumption



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proceedings. Counsel appearing for respondent No.4(a) submits that petitioner No.2 has filed a suit and petitioner No.2 has not established his claim over the property as the suit has been dismissed in respect of 25 Guntas. Urging additional grounds, the High Court Government Pleader and counsel for respondent No.4(a) submit that the petition is devoid of merits and it may be dismissed.

By way of reply to this contention, counsel for the petitioners submits that appeal is pending.

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 respondent No.4 Sri.Govindappa, in 1977. The grantee sold the entire property to petitioner No.1 Sri.K.B.Venkataravanappa in 2005 by way of registered sale deed.

Nearly 09 years after the sale, in 2014, 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 09 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 issue revolves within a narrow compass and it relates only to the resumption proceedings initiated by the original grantee Sri.Govindappa. It is relevant to note that the original grantee Sri.Govindappa himself sold the land in question in 2005. However, he initiated resumption proceedings in 2014. Taking note of the law laid down by the Hon'ble Apex Court in *Seethamma's* case, the original grantee could not have initiated proceedings and when he was a party to the sale deed. Hence, the initiation of proceedings for resumption are unsustainable in law. Hence, the proceedings are liable to be quashed. Accordingly, they



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are quashed. The contentions regarding the Will, pendency of the appeal cannot be considered in writ proceedings.

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.

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.

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 18.01.2018 passed by the Assistant Commissioner vide Annexure-H, and the order dated 17.06.2019 passed by the



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Deputy Commissioner vide Annexure-J 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.: 31