



CNR: KAHC010237952025

NC: 2026:KHC:55041
WP No. 12573 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 12573 OF 2025 (SC/ST)

BETWEEN:

SMT. PUSHPA,
W/O RANGASWAMY,
AGED ABOUT 54 YEARS,
R/AT NO.178, SRI RANGA NILAYA,
VIDHYANAGARA, HASSAN,
HASSAN TALUK AND DISTRICT-573201

...PETITIONER

(BY SRI. JAYAKARA SHETTY H., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
HASSAN DISTRICT
HASSAN-573201,
2. THE ASSISTANT COMMISSIONER,
SAKLESH PURA SUB DIVISION,
HASSAN DISTRICT-573201.
3. THE TAHASILDAR,
HASSAN TALUK,
HASSAN - 573201
4. KUMARA SWAMY
MAJOR,
S/O LATE ANDAVAN @ ANDAVAYYA,
R/AT MOSALE HOSAHALLI VILLAGE,
SHANTHIGRAMA HOBLI,
HASSAN TALUK AND DISTRICT.

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



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5. SARASWATHI,
MAJOR,
W/O GANESH,
R/AT CHANNAPATNA,
HASSAN TALUK AND DISTRICT.
6. SMT. NAGAMANI,
MAJOR,
W/O R.NANDAKUMAR,
R/AT GOKULA LAYOUT,
HASSAN TOWN AND DISTRICT.
7. SMT TULASI MANI,
MAJOR,
W/O R. BABU,
R/AT VISHWESHWARAIHA LAYOUT,
HIRIYOOR TOWN AND TALUK,
CHITRADURGA DISTRICT.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3
SRI. GIRISH B. BALADARE, ADVOCATE FOR R4 TO R7)

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.Jayakara Shetty.H., counsel for the petitioner;
Smt.Savithramma., Additional Government Advocate for



respondent Nos. 1 to 3, and Sri.Girish B.Baladare., counsel for respondent Nos.4 to 7 appeared in person.

2. The petition is filed seeking following reliefs:

Issue an order, direction, writ in the nature of writ of certiorari or any other appropriate order, direction, writ quashing order Annexure-A the order dated 07-01-2025 made in No.PTCL 18/2023-24 passed by the 1st respondent allowing the appeal filed by the respondents No.4 to 7 and thereby reversing the order dated 25.01.2023 made in No.PTCL (Hassan) 02/2019-2020 passed by the 2nd respondent and kindly confirm the order dated 25-01-2023 Annexure-B passed by the 2nd respondent.

3. Counsel for the respective parties advanced several contentions.

Counsel for the petitioner submits there is laches on the part of the grantee's family. The Deputy Commissioner is not justified in ordering resumption of the subject lands.



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Urging additional grounds he submits that the order may be set aside.

AGA submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Counsel for respondents Nos.4 to 7 submits that there is no laches on the part of the family of the grantee and he placed reliance on Satyan's case. 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. This issue is limited to resumption proceedings. The first the land in question, Sy.No.51/P2, (new Sy.No.57) spans 3 acres. It was granted to Mr.Andavan, in 1978. Later, the subject land was sold in 1996 through a registered sale deed.



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As far as first land in question nearly 25 years after the sale, in 2019, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner rejected the claim. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who set aside the order of the Assistant Commissioner and partly allowed the appeal. The Assistant Commissioner is justified in rejecting the claim. However, the Deputy Commissioner overlooked the nearly 25-year delay in initiating these proceedings. He failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authority should have evaluated whether to proceed after nearly 25 years, especially since the rights in the land were settled by the sale deed in 1996. The oversight in considering the delay and laches led to order for land resumption being issued without adequately addressing a crucial and relevant issue.



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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 order passed by the Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained.

As regards the second land in question, Sy.No.51/P3, (new Sy.No.58) spans 2 acres 31 guntas. It was granted to Amasamma, in 1978. Later, the subject land was sold in 2013 through a registered sale deed.

Nearly six years after the sale, in 2019, resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner rejected the claim. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who partly allowed the appeal. The Deputy Commissioner, taking note



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of the fact that the original grantee died spinster and issueless, resumed the land in favor of the Government. The question as to whether the applicants are the legal representatives of the original grantee or not involves disputed questions of fact, which cannot appropriately be adjudicated in writ proceedings.

The Deputy Commissioner observed that the original grantee had died unmarried and without issue and, accordingly, ordered resumption of the subject land in favor of the Government. The said action of the Deputy Commissioner is found to be justified. Accordingly, this Court finds no ground to interfere with the order passed by the Deputy Commissioner in respect of Sy.No.51/P3, (new Sy.No.58) spans 2 acres 31 guntas.

6. For the foregoing reasons, the order the Deputy Commissioner is liable to be set aside.

7. The writ of certiorari is ordered. The order dated 07.01.2025 passed by the Deputy Commissioner



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vide Annexure-A is quashed only in respect of Sy.No.51/P2, (new Sy.No.57) to an extent of 3 acres. As this Court has quashed the order, the authority concerned is hereby directed to restore the petitioner's name in respect of Sy.No.51/P2 (new Sy.No.57) to an extent of 3 acres in the revenue records. It is open to the parties to approach the appropriate forum, if so advised and if permissible in law.

8. Resultantly, the writ petition is ***allowed in part.***

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.: 2 Sl No.: 24.1