



CNR: KAHC010238352024

NC: 2026:KHC:52566
WP No. 11613 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 11613 OF 2024 (SCST-)

BETWEEN:

1. SRI CHANDRASHEKAR
S/O NANJAPPA
AGED ABOUT 51 YEARS
2. SRI SHIVANANDA
S/O NANJAPPA
AGED ABOUT 48 YEARS

BOTH ARE R/AT MALLESH PURA VILLAGE
HALEKOTE HOBLI, HOLENARSIPURA TALUK
HASSAN DISTRICT - 573 211.

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

(BY SRI. K.N. NITISH., ADVOCATE FOR
SRI. K.V NARASIMHAN.,ADVOCATES)

...PETITIONERS

AND:

1. THE DEPUTY COMMISSIONER
HASSAN DISTRICT
HASSAN - 573 201.
2. THE ASSISTANT COMMISSIONER
HASSAN SUB DIVISION
HASSAN - 573 201.



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WP No. 11613 of 2024

3. SMT MALLAMMA
W/O LATE ERAIAH MAJOR
R/AT MALLESH PURA VILLAGE
HALEKOTE HOBLI,
HOLENARSIPURA TALUK
HASSAN DISTRICT - 573 211.

...RESPONDENTS

(BY SMT. SAVITHRAMMA , AGA FOR R1 AND R2;
SRI. NIKHIL S.K., ADVOCATE FOR
SRI. SOMASHEKAR KASHIMATH., ADVOCATE FOR R3)

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.Nitish., counsel on behalf of Sri.K.V.Narasimhan., for
the petitioners; Smt.Savithramma., Additional Government
Advocate for respondent Nos. 1 & 2, and Sri.Somashekar
Kashimath., counsel for respondent No.3 appeared in person.

2. The petition is filed seeking a writ of certiorari to
quash the order passed by the Deputy Commissioner. This
order is challenged in this writ petition on several grounds as
set out in the memorandum of the writ petition.



CNR: KAHC010238352024

3. Counsel appearing for the respective parties advanced several contentions.

Counsel for the petitioners submits that the Deputy Commissioner ought to have confirmed the order passed by the Assistant Commissioner and directed resumption of the land in favor of the petitioners.

Counsel appearing for respondent No.3 submits that the order directing resumption of the land in favor of the Government is wholly untenable. Urging additional grounds, counsel submits that the writ petition is devoid of merit and is liable to be dismissed.

4. I have heard the counsel for the parties and carefully perused the material available on record.

5. The issue involved in the present case is confined to the resumption proceedings. The land in question, bearing old Sy.No.78 and new Sy.No.164, measuring 4 acres, situated at Hirebelaguli Village, Holenarsipura Taluk, Hassan District, was granted in favor of one Eeraiah in 1977. The wife of the original grantee, namely, Mallamma, subsequently alienated an extent



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WP No. 11613 of 2024**

of 1 acre 30 guntas in favor of the mother of the petitioner under a registered sale deed dated 25.05.1996.

While matters stood thus, in 2015, 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.

The Deputy Commissioner, by order dated 12.12.2023, proceeded on the premise that the land in question was not granted under the Hemavathi Submerged Scheme and consequently ordered resumption of the land in favor of the Government. This is untenable. The reason is apparent. The subject land was a granted land and wife of the original grantee herself had alienated the property and, therefore, she could not have subsequently initiated proceedings alleging violation of the provisions of the PTCL Act. Having regard to the law laid down by the Hon'ble Apex Court, the proceedings alleging violation of the provisions of the PTCL Act could not have been initiated in the facts and circumstances of the present case.



CNR: KAHC010238352024

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WP No. 11613 of 2024**

In my considered opinion, the Assistant Commissioner was justified in rejecting the claim for resumption. However, the Deputy Commissioner failed to take into consideration the relevant aspects of the matter and, erroneously, directed resumption of the subject land in favor of the Government. Such an order could not have been passed.

In view of the aforesaid circumstances, the order passed by the Assistant Commissioner deserves to be upheld. Consequently, the order passed by the Deputy Commissioner, directing resumption of the subject land in favor of the Government, cannot be legally sustained.

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

7. The writ of certiorari is ordered. The order dated 12.12.2023 passed by the Deputy Commissioner vide Annexure-E is quashed as far as resumption of land to the Government is concerned. As this Court has held that resumption of land in favor of Government cannot be sustained, the authority concerned is hereby directed to restore



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NC: 2026:KHC:52566
WP No. 11613 of 2024

the petitioners' 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**

MRP
List No.: 1 Sl No.: 32