



CNR: KAHC010246182026

NC: 2026:KHC:53766
WP No. 11194 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. 11194 OF 2026 (SC/ST)

BETWEEN:

1. SHRI GOPALAPPA
S/O LATE VENKATESHAPPA
AGED ABOUT 72 YEARS,
2. SHRI. VENKATARAVANAPPA
S/O LATE GOPALAPPA
AGED ABOUT 47 YEARS,

BOTH ARE RESIDING AT
SETTIMADAMANGALA VILLAGE,
SUGATUR HOBLI,
KOLAR TALUK AND DISTRICT - 563126.

...PETITIONERS

(BY SRI. SHASHANK, ADVOCATE FOR
SRI. N.SHARATH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY THE SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU - 560001.
2. THE DEPUTY COMMISSIONER,
KOLAR DISTRICT, KOLAR 563102
3. THE ASSISTANT COMMISSIONER,
KOLAR SUB - DIVISION,



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KOLAR DISTRICT
KOLAR-563102

4. SHRI. K.SRINIVAS
S/O. LATE KRISHNAPPA
AGED ABOUT 21 YEARS
RESIDING AT NO.21,
SAIBABA TEMPLE NEAR,
RAMANJINAPPA LAYOUT,
B. NARAYANAPURA,
K.R.PURAM, BENGALURU EAST TALUK,
BENGALURU-560036

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. G.M.SRINIVASA REDDY, ADVOCATE FOR R4)

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.Shashank., counsel on behalf of Sri.N.Sharath., for
the petitioners; Smt.Savithramma., Additional Government
Advocate for respondent Nos.1 to 3, and Sri.G.M.Srinivasa
Reddy., counsel for respondent No.4 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.

AGA and counsel for respondent No.4 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Counsel for respondent No.4 justified the orders of the Assistant Commissioner and Deputy Commissioner. 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 land in question was granted to Mr.Krishna, in 1985



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under Military Quota. Later, the subject land was sold in 2006 through a registered sale deed.

Nearly 8 years after the sale, in 2014, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner approved 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 8-year delay in initiating these proceedings. They failed to consider the issue of laches or the petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 8 years, especially since the rights in the land were settled by the sale deed in 2006. The oversight in considering the delay and laches led to orders 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.

Moreover, the provisions of the PTCL Act have been invoked and resumption proceedings have been initiated in respect of the subject land. The same is wholly untenable. The subject land was allotted to Mr. Krishna under the Ex-Serviceman Military Quota and, therefore, the provisions of the PTCL Act are not attracted to the facts and circumstances of the present case.

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 11.08.2025 passed by the Assistant Commissioner vide Annexure-N, and the order dated 12.01.2026 passed by the Deputy Commissioner vide Annexure-Q 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

MRP
List No.: 1 Sl No.: 95