



CNR: KAHC010281512025

NC: 2026:KHC:51214
WP No. 14297 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 14297 OF 2025 (SC/ST)

BETWEEN:

SMT. SUSHMA. N
WIFE OF SRI. VIJAYARAMESH.H.V
AGED ABOUT 41 YEARS
RESIDING AT 2ND BLOCK
4TH MAIN, KUVEMPUNAGARA
TUMAKURU - 572103

...PETITIONER

(BY SRI. MOHAN S., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
TUMAKURU DISTRICT,
DC OFFICE BUILDING
TUMAKURU-572101
2. THE ASSISTANT COMMISSIONER
TUMAKURU SUB-DIVISION
DC OFFICE BUILDING
TUMAKURU-572101
3. THE TAHASILDAR
TUMAKURU TALUK
DC OFFICE BUILDING
TUMAKURU -572101
4. SMT. MANJAMMA
D/O LATE SMT.LAKSHMAMMA
WIFE OF SRI.BASAVARAJU
AGED MAJOR



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RESIDING AT AMBEDKAR NAGARA
OLD TOWN BHADRAVATHI- 577301

5. SMT. MAHALAKSHMI
D/O LATE, SMT. LAKSHMAMMA
W/O SRI JAYANNA B.N.,
AGED MAJOR
RESIDING AT M.S.HIREMUTT BUILDING,
J.T.COLLEGE ROAD,
NEAR GANAPATHI TEMPLE,
SRITHATTI (SHIRAHATTI HARIPUR)
GADAGA DISTRICT-582120
6. SMT. PUTTANARASAMMA
D/O SRI.TIMMAPPA
AGED ABOUT 73 YEARS
RESIDING AT BELAGUMBA
KASABA HOBLI
TUMAKURU-572104
7. SRI. PRAKASH H.S.,
S/O LATE SIDDARANGAIAH
AGED ABOUT 50 YEARS,
RESIDING AT HARALURU VILLAGE
GULURU HOBLI, TUMAKURU TALUK
TUMAKURU DISTRICT -572118.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. RAGHAVENDRA A.S., 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 ORDERS, THIS DAY,
AN ORDER IS MADE AS UNDER:



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ORAL ORDER

Sri.Mohan.S., counsel for the petitioner;
Smt.Savithramma., Additional Government Advocate for
respondent Nos. 1 to 3, and Sri.Raghavendra.A.S., counsel for
respondents 4 to 7 appeared in person.

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 respondents 4 to 7 jointly submits
that as there was a violation of provisions of PTCL Act, the
resumption is justified.

Counsel for respondents 4 to 7 referred to **NEKKANTI's**
case and submits that a review petition is pending.



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The Court heard the arguments and carefully perused the papers.

4. This issue is limited to resumption proceedings. The land in question, Sy.No.90/P, spans 2 acre in Belagumba Village, Kasaba Hobli, Tumakuru Taluk and District. It was granted to Mr.Masiyappa, in 1953-54. Later, the family of the original grantee sold the property in 1993 through a registered sale deed. In turn the same was sold to the petitioner on 22.11.2004 through a registered sale deed.

Nearly 26 years after the sale, in 2019, the Lrs. of original grantee initiated proceedings under Section 5 of the Act before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, the petitioner appealed to the Deputy Commissioner, who remanded the matter for fresh consideration. On remand the Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, the petitioner appealed to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly



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26-year 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 authorities should have evaluated whether to proceed after nearly 26 years, especially since the rights in the land were settled by the sale deed in 1993. 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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5. For the foregoing reasons, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be set aside.

6. The writ of certiorari is ordered. The order dated 06.04.2022 passed by the Assistant Commissioner vide Annexure-G, and the order dated 07.04.2025 passed by the Deputy Commissioner vide Annexure-H 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.

7. 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.: 35