



CNR: KAHC010285122025

NC: 2026:KHC:53762  
WP No. 12511 of 2025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 28<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MS. JUSTICE JYOTI M**

**WRIT PETITION NO. 12511 OF 2025 (SC/ST)**

**BETWEEN:**

1. SMT. BHADRAMMA  
W/O LATE. JAYADEVAIAH,  
AGED ABOUT 81 YEARS,  
R/AT NO.254, NEAR B.T. TEMPLE,  
NONAVINAKERE, TIPTUR TALUK,  
TUMKURU DISTRICT - 572 224.
2. SMT. SUDHAMANI N. J.,  
D/O LATE. JAYADEVAIAH,  
W/O CHANDRASHEKAR N. S.,  
AGED ABOUT 59 YEARS,  
R/AT NO.755, 2ND PHASE,  
VIJAYANAGARA 4TH STAGE,  
MYSORE - 570 017.

...PETITIONERS

(BY SRI. MANU SHANKAR S. S., ADVOCATE FOR  
SRI. SANDESH, ADVOCATE)

**AND:**

1. THE DISTRICT COMMISSIONER,  
MINI VIDANASOUDHA,  
TUMKURU DISTRICT,  
TUMKURU - 572 101.
2. THE ASSISTANT COMMISSINER,  
TIPTUR SUB-DIVISION, TIPTUR,  
TUMKURU DISTRICT - 572 224.



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3. THE THASILDHAR,  
TIPTUR TALUK,  
TUMKURU DISTRICT - 572 224.
4. SRI. GANGADHAR,  
S/O LATE. LAKKAPPA @ LAKKANAYAKA,  
MAJOR.
5. SRI. PUTTAYYA  
S/O LATE. LAKKAPPA @ LAKKANAYAKA,  
MAJOR.
6. SRI. THIMMAIAH  
S/O LATE. LAKKAPPA @ LAKKANAYAKA,  
MAJOR,

THE RESPONDENTS 4 TO 6 ARE ALL  
R/AT KAIKDALA VILLAGE,  
NAGARAKATTE POST,  
NONAVINAKERE HOBLI,  
TIPTUR TALUK,  
TUMKUR DISTRICT - 572 224.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;  
SRI. HANUMANTHARAYAPPA M., ADVOCATE FOR R4 TO R6)

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:



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### **ORAL ORDER**

Sri.Manu Shankar.S.S., and Sri.Sandesh., counsel for the petitioners; Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 3, and Sri.Hanumantharayappa.M., counsel for respondents 4 to 6 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.

3. Counsel for the respective parties advanced several contentions.

Counsel for the petitioners in presenting his arguments vehemently contended the Deputy Commissioner ought to have confirmed the order of the Assistant Commissioner, as there was laches of almost 49 years. Hence, question of remand does not arise.



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AGA and counsel for respondents 4 to 6 justified the remand order. 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. The present issue is confined to the resumption proceedings. The land in question was granted in favor of Mr.Lakkappa in the year 1961. Subsequently, the subject land was sold in the year 1966 under a registered sale deed.

Nearly 49 years after the said sale transaction, resumption proceedings were initiated before the Assistant Commissioner in the year 2015. The Assistant Commissioner rejected the petition. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who proceeded to remand the matter to the Assistant Commissioner.



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The Assistant Commissioner was justified in rejecting the petition. However, while remanding the matter, the Deputy Commissioner failed to take into consideration the inordinate delay of nearly 49 years in initiating the resumption proceedings. The Deputy Commissioner ought to have affirmed the order passed by the Assistant Commissioner instead of remanding the matter. The Deputy Commissioner also failed to consider the issue of laches and the petitioners' specific contention that the proceedings had been initiated after an unreasonable and unexplained delay.

The authority should have evaluated whether to proceed after nearly 49 years, especially since the rights in the land were settled by the sale deed in 1966. 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. Accordingly, the impugned order is liable to be set aside.

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 22.10.2024 passed by the Deputy Commissioner vide Annexure-E is quashed. The order passed by the Assistant Commissioner is confirmed. As this Court has quashed the order, the authority concerned is hereby directed to restore the petitioners' name in the subject land in the revenue records.



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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.: 78