



CNR: KAHC010286372024

NC: 2026:KHC:53704
WP No. 14848 of 2024

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. 14848 OF 2024 (SC/ST)

BETWEEN:

SMT. RATHNAMMA
AGED ABOUT 55 YEARS,
W/O JAVAREGOWDA,
R/AT MUDDANAHALLI GATE,
MARALINGA POST, PERIYAPATNA TALUK,
MYSURU DISTRICT - 571 107.

...PETITIONER

(BY SRI. B. S. NAGARAJ, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
MYSURU DISTRICT,
MYSURU - 570 001.
3. THE ASSISTANT COMMISSIONER,
HUNSUR SUB-DIVISION,
HUNSUR TOWN - 571 105.
MYSURU DISTRICT.
4. THE THASILDAR
PERIYAPATNA TALUK,
MYSURU DISTRICT - 571 107.

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



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5. SMT. VASANTHA BAI G.,
AGED ABOUT 45 YEARS,
D/O GOPINAIKA
M.F. 14/4, BDA FLATS,
B.T.M. LAYOUT, II STAGE,
BANNERGHATTA ROAD
BENGALURU - 560 076.
6. SMT. PARVATHI BAI
AGED ABOUT 59 YEARS,
W/O GOPINAIKA,
NO.32A, JANATHA COLONY,
TAVAREKERE POST - 560 001.
BENGALURU SOUTH.
7. SMT. SNEHA L.,
AGED ABOUT 22 YEARS,
D/O LAKSHMAN LAMMAANI,
M.F. 14/4, BDA FLATS,
B.T.M. LAYOUT, II STAGE
BANNERGHATTA ROAD,
BENGALURU - 560 076.
8. SRI. BALARAJU
AGED ABOUT 23 YEARS,
S/O H.A. KULLAYYA,
R/AT BHADRAGOLA VILLAGE,
TITIMATI POST, GONIGOPPA ROAD,
VIRAJPETE TALUK - 571 218.
KODAGU DISTRICT.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. D. C. DEEPAK, ADVOCATE FOR
R5, R6 AND R7 (ABSENT); V/O DATED: 23/01/2025,
NOTICE TO R8 DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.



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THIS WRIT PETITION IS LISTED FOR ORDERS, THIS DAY,
AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.B.S.Nagaraj, counsel for the petitioner and
Smt.Savithramma, Additional Government Advocate for
respondent Nos.1 to 4.

There is no representation on behalf of respondent Nos.5,
6 and 7. A perusal of the daily order sheet reflects that the
petition was listed on 23.07.2026 and at request on behalf of
counsel for respondents 5 to 7, the matter was ordered to be
listed today. The matter is listed today, as already noted above,
there is no representation on behalf of counsel for respondents
5 to 7. Hence, this Court deems it proper to pass orders on the
merits of the case.

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.



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3. Counsel for the respective parties advanced several contentions.

AGA submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, she 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 Sri.Swamy Naika in 1955. Later, the family members sold the property in question in 1984 and second sale occurred in 2014.

Nearly 30 years after the sale, in 2014, 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 upheld the original order. However, both the Assistant and Deputy Commissioners



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overlooked the nearly 30-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 30 years, especially since the rights in the land were settled by the sale deed in 1984. 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 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



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sustained. Accordingly, the impugned orders are liable to be set aside.

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 29.06.2016 passed by the Assistant Commissioner vide Annexure-C, and the order dated 19.12.2023 passed by the Deputy Commissioner vide Annexure-B 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

**SD/-
(JYOTI M)
JUDGE**

SS
List No.: 1 Sl No.: 10