



CNR: KAHC010287002021

NC: 2026:KHC:50881
WP No. 16799 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 16799 OF 2021 (SC/ST)

BETWEEN:

MR. DEVARAYA MANJUNATHA SHEREGAR,
S/O. LATE MANJUNATHA SHEEREGAR,
AGED ABOUT 55 YEARS,
R/O. GOWARI NILAYA, KUMBASHI VILLAGE,
KUNDAPUR TALUK, UDUPI DISTRICT,
REPRESENTED BY HIS GPA HOLDER
DATED 19.05.2014
SRI. G.RAMANANDA HEGDE,
S/O. LATE KRISHNAPPA HEGDE,
AGED ABOUT 60 YEARS,
ANUGRAHA, MUDGILIYARU VILLAGE,
UDUPI TALUK, UDUPI DISTRICT.

...PETITIONER

(BY SRI. JAYAPRAKASH SHETTY B., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
UDUPI DISTRICT,
RAJATHADRI, MANIPAL,
UDUPI - 576104.
2. THE ASSISTANT COMMISSIONER,
KUNDAPUR TALUK, KUNDAPUR,
UDUPI DISTRICT - 576201.
3. THE TAHASILDAR,
KUNDAPUR TALUK, KUNDAPUR,
UDUPI DISTRICT - 576201.

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



CNR: KAHC010287002021

NC: 2026:KHC:50881
WP No. 16799 of 2021

4. SRI. SHEENA,
S/O. DUGGA BATTADA,
AGED ABOUT 56 YEARS,
RESIDING AT PADUKERE VILLAGE,
KOTATATTU, UDUPI TALUK,
UDUPI DISTRICT - 576221.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
R4 SERVED AND UNREPRESENTED)

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.Jayaprakash Shetty.B, counsel for the petitioner and
Sri.Yogesh D.Naik., AGA for respondents 1 to 3, appeared in
person.

Notice to respondent No.4 was ordered. A perusal of the
office note depicts that respondent No.4 is served and
unrepresented. Respondent No.4 has neither engaged the
services of an advocate nor conducted the case as a party in
person.



CNR: KAHC010287002021

**NC: 2026:KHC:50881
WP No. 16799 of 2021**

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. The key facts are as follows:

The land in question is bearing Sy.No.290/1A5 to an extent of 2 acres situated at Beluru Village, Kundapura Taluk. It was granted to one Mr.Mutta Battada in 1974-75. The LRs of Mr.Mutta Battada sold the property in favor of respondent No.4 to an extent of 1 acre on 29.02.1996. Respondent No.4 in turn sold the property in favor of the petitioner on 07.11.2014.

As things stood thus, the Tahsildar *suo-motu* initiated proceedings under the provisions of the PTCL Act contending that there is a violation of the provisions of the Act before the Assistant Commissioner in the year 2016. The Assistant Commissioner vide order dated 19.11.2018 allowed the claim. Against the order, an appeal was preferred before the Deputy Commissioner and the Deputy Commissioner vide order dated



CNR: KAHC010287002021

**NC: 2026:KHC:50881
WP No. 16799 of 2021**

28.12.2020 dismissed the appeal. Under these circumstances, the petitioner is before this Court and has filed the petition on several grounds as outlined in the memorandum of the petition.

4. Counsel appearing for the respective parties urged several contentions.

Counsel for the petitioner in presenting his argument strenuously urged that neither the grantee nor his LR's initiated any proceedings under Section 5 of the Act. However, *suo-motu* proceedings were initiated by the Tahsildar. This is untenable in law. He argued that there was a delay of almost 20 years. He submits that the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be quashed.

AGA submits that as there was a violation of the provisions of the Act, the Tahsildar is right in initiating *suo-motu* proceedings. She argued that the Assistant Commissioner and the Deputy Commissioner *extenso* referred to the records and rightly allowed the claim. Urging additional grounds, she prayed for the dismissal of the writ petition.



CNR: KAHC010287002021

**NC: 2026:KHC:50881
WP No. 16799 of 2021**

5. Heard the arguments and perused the papers utmost care.

6. The issue is confined to a narrow scope and pertains to the suo moto proceedings initiated by the officer regarding the granted land.

7. The facts are sufficiently stated and they do not require repetition. The land was granted to one Mr.Mutta Battada in 1974-75. Later, it was sold. Notably, the original legal representatives did not challenge the grant or the sale, nor did they oppose the sale deed as landlords. Surprisingly, the Tahsildar initiated suo moto proceedings and declared the sale deeds null and void, which is legally untenable. These transactions took place in 1996 and 2014, but the suo moto proceedings were only started in 2016 after nearly 20 years without a proper basis. Both the Assistant and Deputy Commissioners overlooked the nearly 20-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.



CNR: KAHC010287002021

**NC: 2026:KHC:50881
WP No. 16799 of 2021**

The authorities should have evaluated whether to proceed after nearly 20 years, especially since the rights in the land were settled by the sale deed in 1996. 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.

8. For the foregoing reasons, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be set aside.



CNR: KAHC010287002021

NC: 2026:KHC:50881
WP No. 16799 of 2021

9. The writ of certiorari is ordered. The order dated 19.11.2018 passed by the Assistant Commissioner, and the order dated 28.12.2020 passed by the Deputy Commissioner vide are quashed.

10. 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**

SJK
List No.: 2 Sl No.: 24