



CNR: KAHC010289322025

NC: 2026:KHC:41550
WP No. 12490 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO. 12490 OF 2025 (SC-ST)

BETWEEN:

1. SMT. MUNIRATHNA
D/O LATE KEMPAIAH
W/O H.M. VENKATESH
AGE ABOUT 50 YEARS
2. SRI. H.M. VENKATESH
S/O LATE MARIYAPPA
AGED ABOUT 59 YEARS

BOTH ARE R/AT NO. RC-22
PRUKSA SILVANA VILLAS
BUDIGERE CROSS
NIMBEKAIPURA VILLAGE ROAD
BENGALURU EAST
BENGALURU-560 049

...PETITIONERS

(BY SRI. H. MOHAN KUMAR, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
CHIKKABALAPURA DISTRICT
CHIKKABALAPURA-562 101
2. THE ASSISTANT COMMISSIONER
CHIKKABALAPURA SUB DIVISION
CHIKKABALAPURA-562 101

Digitally
signed by
GEETHA P G

Location:
HIGH
COURT OF
KARNATAKA



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NC: 2026:KHC:41550
WP No. 12490 of 2025

3. SRI. SURESH
S/O LATE VENKATARAYAPPA
AGED 50 YEARS
4. SRI. DYAVAPPA
S/O LATE VENKATARAYAPPA
AGED 46 YEARS
5. SMT. RATHNAMMA
W/O BALARAJU
AGED ABOUT 40 YEARS

RESPONDENT NOS.3 TO 5 ARE
R/AT BYRAGANAHALLI VILLAGE
BASHETTAHALLI HOBLI
SHIDALGATTA TALUK
CHIKKABALAPURA DISTRICT-563 159

...RESPONDENTS

(BY SRI. BHAIKAV KUTTAIAH, AGA FOR R1 AND R2;
SMT. H.V. VASANTHALAKSHMI, ADVOCATE FOR
R3 AND R4-[ABSENT];
SRI. PAVAN KUMAR, ADVOCATE FOR R5-[ABSENT])

THIS PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA, PRAYING TO ISSUE AN ORDER OR
DIRECTION IN THE NATURE OF CERTIORARI BY QUASHING
THE ORDER DATED 30.06.2023 IN NO. PTCL (SID) 22/2021-22
PASSED BY RESPONDENT NO.2 VIDE ANNEXURE-G, ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP THROUGH PHYSICAL HEARING/VIDEO
CONFERENCING, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:



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CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

1. The land which is the subject matter of the writ petition was granted in favour of the original grantee in the year 1982. He belonged to Scheduled Caste/Scheduled Tribe community. The grant was subject to a condition that the land should not be alienated for a period of 15 years from the date of grant. For the first time, a portion of the property was sold in the year 1999 and the remaining portion was sold in the year 2006. Respondent nos.3 to 5 are the legal representatives of the original grantee. For the first time, an application under Section 5 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short 'PTCL Act') challenging the sale was filed in the year 2021. Respondent no.2-Assistant Commissioner allowed the application on the ground that Section 4(2) of the PTCL Act was violated and ordered for resumption and restoration of the land in favour of the legal representatives of the original grantee. The appeal filed by petitioner no.1 against the said order of Assistant Commissioner has been dismissed by respondent



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no.1-Deputy Commissioner. Aggrieved by the same, the present writ petition is filed.

2. The case of the petitioners is that the application under Section 5 of the PTCL Act has been filed after an unreasonable delay of 15 years from the date of second sale and the said delay has not been satisfactorily explained. On the said ground, it is prayed that the writ petition be allowed.

3. Learned counsel for respondent nos.3 to 5 are absent.

4. Learned Additional Government Advocate justifies the impugned orders and prays for dismissal of the writ petition.

5. The only question that arises for consideration is whether there is any inordinate and unreasonable delay in filing the application under Section 5 of the PTCL Act.

6. Hon'ble Apex Court in ***Nekkanti Rama Lakshmi vs. State of Karnataka and Another*** reported in ***(2020) 14 SCC 232*** as well as the decision of this Court in the case of ***R.Suresh Mohan v. State of Karnataka and Others*** in ***W.P.No.3597/2018***, have held that an unreasonable delay in challenging the sale



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WP No. 12490 of 2025

becomes fatal to an application filed under Section 5 of the PTCL Act.

7. Admittedly, the sales were effected in the years 1999 and 2006. The application under Section 5 of the PTCL Act was filed only in the year 2021, after a lapse of 15 years from the date of second sale. The said delay has not been satisfactorily explained by respondent nos.3 to 5. Under the facts and circumstances of the case, the same has to be held as unreasonable. Respondent nos.1 and 2 have committed an error by passing the impugned orders. Accordingly, the impugned orders are liable to be set aside.

8. Hence, the following:

ORDER

- (i) The writ petition is ***allowed***;
- (ii) The impugned order dated 30.06.2023 bearing no.ಪಿಟಿಸಿಎಲ್.(ಶಿ)22/2021-22 passed by respondent no.2-Assistant Commissioner vide Annexure-G to the writ petition is hereby set aside;



CNR: KAHC010289322025

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WP No. 12490 of 2025

- (iii) The impugned order dated 03.03.2025 bearing no.ಆರ್‌ಎ/ಎಸ್.ಸಿ.ಎಸ್‌ಟಿ/39/2023-24 passed by respondent no.1-Deputy Commissioner vide Annexure-H to the writ petition is hereby set aside;
- (iv) The application filed under Section 5 of the PTCL Act by respondent nos.3 and 4 before respondent no.2 is hereby dismissed;
- (v) Authorities are directed to restore status quo ante in respect of revenue records pertaining to the property, as it stood prior to initiation of the proceedings under Section 5 of the PTCL Act.

**SD/-
(M.I.ARUN)
JUDGE**