



CNR: KAHC010304862025

NC: 2026:KHC:52568
WP No. 13381 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 13381 OF 2025 (SCST-)

BETWEEN:

SHANTHI BAI
W/O SAKRA NAIKA,
AGED ABOUT 56 YEARS,
R/O HOSA YELANADU VILLAGE,
HIRIYUR TALUK,
CHITRADURGA DISTRICT-577 598,

...PETITIONER

(BY SRI. R SHASHIDHARA.,ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
CHITRADURGA DISTRICT,
CHITRADURGA-577 501.
2. THE ASSISTANT COMMISSIONER,
CHITRADURGA SUB DIVISION,
CHITRADURGA-577 501.
3. SOMLA NAIK
S/O SITHA NAIK,
AGE MAJOR,
R/O KUDLAHALLI LAMBANI HATTI,
KUDLAHALLI, HIRIYUR TALUK,
CHITRADURGA DISTRICT-577 598,

...RESPONDENTS



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(BY SMT. SAVITHRAMMA, AGA FOR R1 & R2;
SMT. VASUNDARA T.P, ADVOCATE FOR;
SRI. P.M. SIDDAMALLAPPA, ADVOCATE FOR R3)

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.R.Shashidhara., counsel for the petitioner;
Smt.Savithramma., Additional Government Advocate for
respondent Nos.1 and 2, and Smt.Vasundara.T.P., counsel on
behalf of Sri.P.M.Siddamallappa., counsel for respondent No.3,
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.



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3. Counsel for the respective parties advanced several contentions.

AGA and counsel for respondent No.3 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Counsel for respondent No.3 further submits that the petitioner has obtained Sale Deed fraudulently and the permission was not obtained. Hence, resumption of the land is justified. 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. This issue is limited to resumption proceedings. The land in question, Sy.No.25/9P, spans 3 acres 29 guntas. It was granted to Sri.Somla Naik, in the year 1984. Later, the subject land was sold in the year 2007.

Nearly 11 years after the sale, in 2018, the resumption proceedings were initiated under Section 5 of the Act before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner allowed the claim. Against which, an appeal was preferred before the Deputy Commissioner and the



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Deputy Commissioner confirmed the order. However, both the Assistant and Deputy Commissioners overlooked the nearly 11-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 11 years, especially since the rights in the land were settled by the sale deed in 2007. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.

Furthermore, the grantee himself has sold the property and has also initiated the resumption proceedings. In view of the law laid down by the Hon'ble Apex Court in the *Seethamma* case, he could not have instituted proceedings under the provisions of the PTCL Act.

The Division Bench clarified that laches should be regarded as the primary requirement when resuming lands. It



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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.

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 18.10.2022 passed by the Assistant Commissioner vide Annexure-C, and the order dated 10.04.2025 passed by the Deputy Commissioner vide Annexure-F are quashed. As this Court has quashed the order, 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.



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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.: 1 Sl No.: 39