



CNR: KAHC010310742025

NC: 2026:KHC:52119
WP No. 13531 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 13531 OF 2025 (SC/ST)

BETWEEN:

1. SMT VASANTHA M P
W/O LATE H KRISHNA NAIK,
AGED ABOUT 69 YEARS,
2. AARATHI M K
D/O LATE H KRISHNA NAIK,
AGED ABOUT 37 YEARS,

BOTH ARE R/O SOWMYA HOUSE,
NO.8/6-1, NEAR RAILWAY STATION,
SURATHKAL KOTLA, MANGALORE TALUK,
D K DISTRICT-575 014.

...PETITIONERS

(BY SRI. ANIKETH, ADVOCATE FOR
SRI. SACHIN B.S., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
D K, MANGALORE-575 001.
2. THE ASSISTANT COMMISSIONER
MANGALORE, D K DISTRICT-575 001.
3. THE TAHSILDHAR
MANGALORE,
D K DISTRICT-575 001.



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4. SHRI ASHISH M K
S/O LATE KRISHNA NAIK,
R/O SOWMYA HOUSE,
NO.8/6-1, NEAR RAILWAY STATION,
SURATHKAL, KOTLA,
MANGALORE TALUK,
D K DISTRICT-575 014.
5. KUMAR
S/O LATE RAMA MUGERA,
AGE MAJOR,
R/AT DOOR NO.8/18,
NEAR ALEX BUILDING,
IDYA SURATHKAL,
MANGALORE,
D K DISTRICT-575 014.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
R4 SERVED AND UNREPRESENTED
SRI. AKSHAY KUMAR JAIN, ADVOCATE FOR R5-ABSENT)

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.Aniketh., counsel on behalf of Sri.Sachin.B.S., for the petitioners; Smt.Savithramma., Additional Government Advocate for respondent Nos.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.

There is no representation on behalf of counsel for respondent No.5.

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. Counsel for the respective parties advanced several contentions. The Court heard the arguments and carefully perused the papers.



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4. The controversy involved in the present petition lies within a narrow compass. The subject land is Sy.No.171/4, measuring 45 cents, which was granted to one Deyyu Mogera in the year 1937. The legal representatives of the original grantee alienated the property in the year 1969. Thereafter, the family of the grantee initiated resumption proceedings, pursuant to which the land came to be resumed.

Subsequent to the resumption of the land, the legal representatives of the grantee's family again sold the property in favor of H. Krishna Naik under a sale deed dated 26.12.1988. Thereafter, resumption proceedings were once again initiated in the year 1992. The Assistant Commissioner dismissed the claim, and the said order attained finality.

However, subsequently, the family members of the original grantee approached the Assistant Commissioner seeking restoration of possession on the basis of the earlier order passed by the Assistant Commissioner. The Assistant Commissioner, by order dated 16.09.2022, allowed the claim and set aside the sale deed dated 26.12.1988 by invoking the provisions of the PTCL Act. Aggrieved by the said order, an



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appeal was preferred before the Deputy Commissioner, who, by order dated 01.04.2025, confirmed the order of the Assistant Commissioner.

The said orders cannot be sustained in law. The reason is evident from the undisputed sequence of events. After the land was resumed in the year 1984, the family of the original grantee itself alienated the property in favor of H. Krishna Naik in the year 1988. In such circumstances, the family of the grantee could not have subsequently initiated proceedings seeking restoration of possession on the basis of the earlier resumption proceedings.

The Assistant Commissioner as well as the Deputy Commissioner failed to consider this material aspect and did not take into account the fact that, subsequent to the resumption of the land, the property had been sold in favor of H. Krishna Naik. Consequently, the authorities could not have ordered restoration of possession or, on that basis, proceeded to annul the sale deed dated 26.12.1988.



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Accordingly, the impugned orders passed by the Assistant Commissioner and the Deputy Commissioner are unsustainable in law.

5. The writ of certiorari is ordered. The order dated 16.09.2022 passed by the Assistant Commissioner vide Annexure-B, and the order dated 01.04.2025 passed by the Deputy Commissioner vide Annexure-A are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to restore the petitioners name in the subject land in the revenue records.

6. 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.: 1 Sl No.: 49