



CNR: KAHC010319142023

NC: 2026:KHC:50147
WP No. 13560 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 13560 OF 2023 (SC/ST)

BETWEEN:

SRI. SIDDAIAH,
S/O. LATE KEMPAIAH,
AGED ABOUT 47 YEARS,
R/AT HOLAKALLU VILLAGE,
NARUGANAHALLI POST,
GULURU HOBLI,
TUMAKURU TALUK,
TUMAKURU DISTRICT-572118.

...PETITIONER

(BY SRI. ADINARAYANAPPA, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
TUMAKURU DISTRICT,
TUMAKURU-572101.
2. SRI. DODDA HANUMAI AH,
S/O. LATE KARIYANNA,
AGED ABOUT 73 YEARS,
R/AT HOLAKALLU VILLAGE,
NARUGANAHALLI POST,
GULURU HOBLI,
TUMAKURU TALUK,
TUMAKURU DISTRICT-572118.
3. THE ASSISTANT COMMISSIONER,
TUMAKURU SUB-DIVISION,



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TUMAKURU-572101,
TUMAKURU DISTRICT.

...RESPONDENTS

(BY SMT. SPOORTHY V., HCGP FOR R1 AND R3;
SRI. N.R.NAIK, ADVOCATE FOR R2)

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. Adinarayanappa, counsel for the petitioner; Smt.
Spoorthi.V., HCGP for respondents 1 & 3, appeared in person.

Sri. N. R. Naik, counsel for respondent No. 2, appeared
via video conferencing.

2. The petition is filed seeking a writ of certiorari to
quash the order dated 21.09.2022 passed by the Deputy
Commissioner vide Annexure-A, and the order dated
07.08.2019 passed by the Assistant Commissioner vide
Annexure-B.



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

4. This issue is limited to resumption proceedings. The land in Sy.No.34/6, measuring 05 guntas situated at Holakallu village, Guluru Hobli, Tumakuru Taluk and District, was granted to one Mr. Dodda Hanumaiah on 31.12.1977. He along with his son sold the land in favor of the petitioner in 1997. Nearly 19 years after the sale, proceedings under Section 5 of the Act were initiated in 2016 before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, an appeal was filed with the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 19-years delay in initiating these proceedings. They failed to consider the issue of laches or the petitioner's claim that the proceedings were initiated after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 19 years, especially since the rights in the land



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were settled by the sale deed dated 07.07.1997. 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 the resumption of the subject land cannot be legally sustained.

Lastly, counsel for respondent No. 2 submits that the matter requires remand.

The submission is noted. It cannot be sustained because of laches on the part of the grantee in filing an application for resumption. Accordingly, the impugned orders are liable to be set aside.



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

6. The writ of certiorari is ordered. The order dated 21.09.2022 passed by the Deputy Commissioner vide Annexure-A and the order dated 07.08.2019 passed by the Assistant Commissioner vide Annexure-B are quashed.

7. 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**

MRP
List No.: 1 Sl No.: 45