



CNR: KAHC010334022025

NC: 2026:KHC:50143
WP No. 14841 of 2025

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. 14841 OF 2025 (SC/ST)

BETWEEN:

1. STANEY J. THEKAEKARA,
S/O. LATE. REV. FR.GEORGE THEKAEKARA,
AGED ABOUT 70 YEARS,
R/AT BANASWADI, 10TH MAIN,
2ND 'G' CROSS, KALYAN NAGAR,
BENGALURU-560043.

2. DR. MARIA T. FERNANDES,
D/O. LATE REV F.R.GEORGE THEKAEKARA,
AGED ABOUT 73 YEARS,

3. SMT. ALPHONSA E. MUNCHERI,
D/O. LATE REV F.R.GEORGE THEKAEKARA,
AGED ABOUT 72 YEARS,

PETITIONER NOS.2 AND 3 ARE
REPRESENTED BY THEIR
GPA HOLDER 1ST PETITIONER
STANEY.J.THEKAEKARA
S/O. LATE. REV. FR. GEORGE THEKAEKARA,
AGED ABOUT 70 YEARS,
R/AT BANASWADI, 10TH MAIN,
2ND 'G' CROSS, KALYAN NAGAR,
BENGALURU-560043.

...PETITIONERS

(BY SRI. D.R.RAVISHANKAR, SENIOR ADVOCATE FOR
SRI. SARAVANA S., ADVOCATE)



CNR: KAHC010334022025

NC: 2026:KHC:50143
WP No. 14841 of 2025

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL SECRETARY
REVENUE DEPARTMENT, M.S.BUILDING,
DR. B.R.AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT
CAUVERY BHAVAN, K.G.ROAD,
BENGALURU -560001.
3. ASSISTANT COMMISSIONER,
BENGALURU SOUTH TALUK
CAUVERY BHAVAN, K.G.ROAD,
BENGALURU -560001.
4. SMT. MANJULA,
D/O. SRI.POOJAPPA,
AGED ABOUT 33 YEARS,
KANNUR VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU-560049.

...RESPONDENTS

(BY SMT. SPOORTHY V., HCGP FOR R1 TO R3;
SRI. GIRISH R., ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR ORDERS, THIS DAY,
AN ORDER IS MADE AS UNDER:



CNR: KAHC010334022025

NC: 2026:KHC:50143
WP No. 14841 of 2025

ORAL ORDER

Sri. D.R. Ravishankar, Senior Counsel on behalf of Sri.Saravana S, for the petitioners; Smt.Spoorthi V., HCGP for respondent Nos.1 to 3; and Sri. Girish R., counsel on behalf of Sri.Vikas Nagaiah., for respondent No.4, appeared in person.

The registry to accept the vakalath that counsel, Sri.Vikas Nagaiah., and Sri.Girish.R., would file.

2. This petition is filed seeking the following reliefs:
 - (i) Issue a writ in the nature of certiorari or writ of any other nature to quash the orders at Annexure-F in proceedings No.SC/ST-41/2022, dated 11.09.2024, on the file of the 2nd respondent (Deputy Commissioner, BENGALURU Urban District); and
 - (ii) Pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, in the ends of justice and equity.

3. The key facts are as follows:

The survey number is 28; the new survey number is 138. The extent is 2 acres 2 guntas situated at Byrati Village, Bidarahalli Hobli, Bengaluru East Taluk. The land was granted



CNR: KAHC010334022025

**NC: 2026:KHC:50143
WP No. 14841 of 2025**

to Sri.Dasa in 1937. He sold the property in favor of one Madduramma on 19.07.1950. After her death, her LRs sold the said property in favor of one Mr.Philip George in 1974.

As things stood, the LRs of the original grantee moved an application for the resumption of the land under Section 5 of the Act before the Assistant Commissioner in 1999. The Assistant Commissioner, vide order dated 13.09.2021, dismissed the claim on the ground of laches. Against the said order, the appeal was filed before the Deputy Commissioner, and the Deputy Commissioner, vide order dated 11.09.2024, set aside the order of the Assistant Commissioner. Under these circumstances, the present writ petition is filed on several grounds as outlined in the memorandum of writ petition.

4. Counsel for the respective parties urged several contentions.

Senior counsel, in presenting his arguments, strenuously urged that there is laches in seeking resumption of the lands. He argued that the Division Bench has settled the law regarding laches.



CNR: KAHC010334022025

**NC: 2026:KHC:50143
WP No. 14841 of 2025**

Counsel for respondent No.4 justified the Deputy Commissioner's orders, arguing that the LR's of the grantee did not delay in filing a resumption application under Section 5 of the Act. He further added that the writ petition lacks merit and should be dismissed.

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

6. The issue concerns a narrow scope related to the resumption application. It is important to note that the sale occurred between 1950 and 1974, but resumption proceedings started much later.

From the date of the initial sale, the laches is 49 years; from the second sale, 25 years; and from the date of enactment, 22 years. In the Court's view, the Assistant Commissioner was justified in rejecting the claim on the grounds of laches. The Deputy Commissioner failed to take laches into account and erroneously set aside the order of the Assistant Commissioner. The Division Bench in W.A.No.1035/2025 clarified that laches should be regarded as



CNR: KAHC010334022025

NC: 2026:KHC:50143
WP No. 14841 of 2025

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. Under these circumstances, this Court deems it proper to quash the order of the Deputy Commissioner. Accordingly, the Deputy Commissioner's order is liable to be quashed.

7. The writ of Certiorari is ordered. The order dated 11.09.2024 passed by the Deputy Commissioner vide Annexure- F is quashed.

8. Resultantly, the writ petition is ***allowed***.

On disposal of the Writ Petition, any interim order stands discharged, and pending interlocutory applications, if any, are disposed of.

**Sd/-
(JYOTI M)
JUDGE**

SS
List No.: 1 Sl No.: 31