



CNR: KAHC010338302021

NC: 2026:KHC:52258
WP No. 17395 of 2021

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. 17395 OF 2021 (SC/ST)

BETWEEN:

SMT. KENCHAMMA,
AGED ABOUT 66 YEARS,
W/O SRI THIMMANNA
D/O SRI RANGAPPA
R/AT BHARAMGIRI VILLAGE,
HIRIYUR TALUK
CHITRADURGA DISTRICT-577 598.

...PETITIONER

(BY SRI. ABHINAV RAMANAND A., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE
DR B R AMBEDKAR VEEDHI
BENGALURU-560 001
REPRESENTED BY ITS PRINCIPAL SECRETARY.
2. THE DEPUTY COMMISSIONER
CHITRADURGA DISTRICT
OBAVVA CIRCLE, MANIYUR
CHITRADURGA-577 501.
3. THE ASSISTANT COMMISSIONER
CHITRADURGA SUB DIVISION
DC OFFICE BUILDING
CHITRADURGA-577 501.



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NC: 2026:KHC:52258
WP No. 17395 of 2021

4. SMT N THIPPAMMA
MAJOR
W/O SRI H S MANJUNATH
R/AT VEGETABLE MARKET ROAD,
4TH CROSS, GANESH TEMPLE ROAD
HIRIYUR CHITRADURGA-577 501.
5. SMT SHAHAZAD
MAJOR, W/O LATE HUSSEIN SAB
R/AT VEGETABLE MARKET ROAD,
4TH CROSS, GANESH TEMPLE ROAD
HIRIYUR CHITRADURGA-577 501.
6. THE TAHSILDAR
HIRIYUR TALUK
HIRIYUR
CHITRADURGA-577 501.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3 AND R6
SRI. G. SANJAY., ADVOCATE FOR
SRI. ARVIND PATIL B., ADVOCATE FOR R4;
V/O DATED 09.08.2024, WP AGAINST R5 STANDS ABATED)

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
HEARINGIN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:



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WP No. 17395 of 2021

ORAL ORDER

Sri.Abhinav Ramanand A., counsel for the petitioner and Smt.Savithramma, Additional Government Advocate for respondent Nos.1 to 3 and 6 and Sri.G.Sanjay, counsel on behalf of Sri.Arvind Patil B., for respondent No.4 appeared in person.

2. The petition is filed seeking following reliefs:

- (a) Issue a writ in the nature of certiorari quashing the order passed by the 2nd respondent in Case No.S.C.PTCL (A)-6/2015-16, dated 15.07.2021 at Annexure-H and all consequential actions pursuant thereto.
- (b) Grant costs.
- (c) Grant such other relief/s as may be necessary in the facts and circumstances of the case and in the interest of justice and equity.

3. Counsel for the respective parties advanced several contentions.



CNR: KAHC010338302021

**NC: 2026:KHC:52258
WP No. 17395 of 2021**

Counsel for the petitioner in presenting his argument, strenuously urged that the property in question was never sold. It is also contended that the Assistant Commissioner passed the order in 2013 and appeal was filed in 2015. There was a delay in filing an appeal. Urging additional grounds, he submits that the petition may be allowed and the order of the Deputy Commissioner may be quashed.

Additional Government Advocate and counsel for respondent No.4 justified the order of the Deputy Commissioner.

Counsel appearing for respondent No.4 submits that the Deputy Commissioner, having considered the reasons stated in the application and being satisfied with the same, condoned the delay. He further submits that, if the petitioner's contention that his grandfather had never dealt with or alienated the property, as reflected in the proceedings under Section 5, is accepted, there would



CNR: KAHC010338302021

have been no occasion for the grantee's family to initiate proceedings under Section 5 of the PTCL Act seeking resumption of the land. On these and other grounds, he submits that an appropriate order may be passed.

4. Heard the arguments and perused the records with due care.

5. The petitioner's principal contention is that the family of the original grantee had never sold or otherwise alienated the subject property. If this contention is accepted, there would have been no occasion for the grantee's family to initiate proceedings for resumption alleging violation of the provisions of the PTCL Act. Nevertheless, the Assistant Commissioner proceeded to resume the land in favor of the Government.

The contention raised with regard to the delay in filing the appeal cannot be accepted, as the Deputy Commissioner, upon considering the reasons assigned in



CNR: KAHC010338302021

NC: 2026:KHC:52258
WP No. 17395 of 2021

the application, was satisfied with the cause shown and accordingly condoned the delay.

However, having regard to the specific contention that the grantee's family had never alienated the property, this Court is of the considered view that the initiation of the resumption proceedings itself was unwarranted. In view of the said finding, the question of considering the additional documents does not arise.

Accordingly, the proceedings initiated for resumption of the land are hereby quashed. Consequently, the writ petition is ***dismissed***.

Because of the disposal of the writ petition, the authority concerned are directed to restore the revenue entries.

Sd/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.: 24