



CNR: KAHC010339482026

NC: 2026:KHC:51219
WP No. 15360 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 15360 OF 2026 (SC/ST)

BETWEEN:

SRI R LAKSHMINARAYANA
S/O LATE RAMAIAH,
AGED ABOUT 62 YEARS,
R/AT 222, PARAMANNA LAYOUT,
NELAMANGALA TOWN,
BENGALURU RURAL DISTRICT- 562123.

...PETITIONER

(BY SRI. NITISH, ADVOCATE FOR
SRI. K V NARASIMHAN., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT,
K.G. ROAD, BENGALURU- 560009.
2. THE ASSISTANT COMMISSIONER
BENGALURU NORTH SUB-DIVISION,
BENGALURU- 560009
3. SRI. K.M.DODDAMUNIYAPPA,
S/O LATE MUDDAIAH,
R/AT NO. 42, SAJJEPALYA,
MAGADI MAIN ROAD,
NEAR MARAMMA TEMPLE,



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VISHWA NEEDAM POST,
BENGALURU- 560091

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. K.S.MALLIKARJUNAIAH, 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.Nitish., counsel on behalf of Sri.K.V.Narasimhan., for
the petitioner; Smt.Savithramma., Additional Government
Advocate for respondent Nos.1 and 2, and
Sri.K.S.Mallikarjunaiah., counsel for respondent No.3 appeared
in person.

2. The petition is filed seeking a writ of certiorari to
quash the order passed by the Deputy Commissioner. This
order is 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.

Counsel for respondent No.3 submits that as there was a violation of provisions of PTCL Act, the Deputy Commissioner was justified in resuming the land. He placed reliance on the following decisions:

SANGEETA SINGH V/S. UNION OF INDIA AND OTHERS, IN 2005 7 SCC 484.

S.HARISH AND ANOTHER V/S. A.K.CHIKKAVEERAPPA AND OTHERS IN W.A.NO.1402/2021.

SRI.DODDAGIRIYAPPACHARI V/S. THE DEPUTY COMMISSIONER AND OTHERS IN W.P.NO.14207/2025.

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.183 spans 1 acre 36 guntas in Kadabagere Village, Dasanapura Hobli, Bengaluru North Taluk, Bengaluru District. It was granted to Mr.Putta S/o.Hanuma, in 1933. Later, the family of the original grantee sold the property



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in 1953. In turn the same was sold to the grandfather of the petitioner in 1960.

Nearly 70 years after the sale, in 2023, the Lrs. of original grantee initiated proceedings under Section 5 of the Act before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner dismissed the petition. Dissatisfied, the Lrs. of original grantee appealed to the Deputy Commissioner, approved the petition and ordered the land to be resumed. The Deputy Commissioner overlooked the nearly 70-year delay in initiating the proceedings. He failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The Deputy Commissioner should have evaluated whether to proceed after nearly 70 years, especially since the rights in the land were settled by the sale deed in 1953. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.



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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 order passed by the Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained. Accordingly, the impugned order is liable to be set aside.

6. For the foregoing reasons, the order of the Deputy Commissioner is liable to be set aside.

7. The writ of certiorari is ordered. The order dated 27.04.2026 passed by the Deputy Commissioner vide Annexure-L is quashed.

Counsel for respondent No.3 placed reliance on the decisions referred to supra. But I do not think that the law is in doubt. Each decisions turns on its own facts. The present case is also tested in the light of the aforesaid decisions.



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8. 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.: 55