



CNR: KAHC010340112025

NC: 2026:KHC:52956
WP No. 15352 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 15352 OF 2025 (SC/ST)

BETWEEN:

1. SRI R MUKESH
SON OF RAMEGOWDA,
AGED ABOUT 37 YEARS,
2. SRI. RAMEGOWDA
AGED ABOUT 63 YEARS,
SON OF NANDI NARAYANAPPA,

BOTH ARE RESIDENT OF
BALUVANAHALLI VILLAGE,
JANGAMAKOTE HOBLI,
SIDLAGHATTA TALUK,
CHIKKABALLAPUR DISTRICT-562101.

...PETITIONERS

(BY SRI. S.R.SREEPRASAD, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
CHIKKABALLAPUR DISTRICT 562101.
2. THE ASSISTANT COMMISSIONER,
CHIKKABALLAPUR DISTRICT-562101.
3. THE TAHASILDAR,
CHIKKABALLAPUR DISTRICT-562101.
4. MR. MUNIYAPPA,
SON OF LATE NARAYANAPPA,
AGED ABOUT 53 YEARS,



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BALUVANAHALLI VILLAGE,
JANGAMAKOTE HOBLI,
SIDLAGHATTA TALUK,
CHIKKABALLAPUR DISTRICT-562101.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. K.R.NAGARAJA, ADVOCATE FOR
SRI. V.VISWANATH SHETTY, ADVOCATE FOR R4)

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.S.R.Sreeprasad., counsel for the petitioners;
Smt.Savithramma., Additional Government Advocate for
respondent Nos. 1 to 3, and Sri.K.R.Nagaraja., counsel for
respondent No.4 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.

AGA and counsel for respondent No.4 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, they submit that the petition lacks merit and the same may be dismissed.

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.25, new Sy.No.191/1, spans 2 acres in Baluvanahalli Village, Jangamakote Hobli, Shidlaghatta Taluk, Chikkaballapur District. It was granted to Mr.Muthyalappa, in 1963. The land was sold in 1967. Later, 1 acre of land was sold in 1969 through a registered sale deed.

Nearly 55 years after the sale, in 2022, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner rejected petition. Dissatisfied, an appeal was preferred to the Deputy Commissioner, set aside the Assistant Commissioner's order and partly allowed the



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petition. The Assistant Commissioner is justified in rejecting the petition. However, the Deputy Commissioner overlooked the nearly 55-year delay in initiating this proceedings. He failed to consider the issue of laches or the petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authority should have evaluated whether to proceed after nearly 55 years, especially since the rights in the land were settled by the sale deed in 1967. The oversight in considering the delay and laches led to orders without adequately addressing a crucial and relevant issue.

The Division Bench 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, cannot be legally sustained. Accordingly, the impugned order is liable to be set aside.



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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 21.03.2025 passed by the Deputy Commissioner vide Annexure-A is quashed. As this Court has quashed the order, the authority concerned is hereby directed to restore the petitioners' name in the subject land in the revenue records.

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.: 2 Sl No.: 33