



CNR: KAHC010352262023

NC: 2026:KHC:49796
WP No. 15016 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 15016 OF 2023 (SC/ST)

BETWEEN:

1. SRI. VENKATESH Y.M.,
S/O. LATE MUNIYAPPA,
AGED ABOUT 60 YEARS,
2. SRI. GOPAL,
S/O. LATE MUNIYAPPA,
AGED ABOUT 58 YEARS,
3. SMT. RADHAMMA,
W/O. LATE MUNINARAYANAPPA,
AGED ABOUT 64 YEARS,
4. SMT. KAVITHA,
D/O. LATE MUNINARAYANAPPA,
AGED ABOUT 46 YEARS,
5. SRI. PRABHAKAR M.,
S/O. LATE MUNINARAYANAPPA,
AGED ABOUT 44 YEARS,
6. SMT. SUDHA,
D/O. LATE MUNINARAYANAPPA,
AGED ABOUT 42 YEARS,
7. SRI. SHIVAKUMAR,
S/O. LATE MUNINARAYANAPPA,
AGED ABOUT 40 YEARS,

ALL ARE R/AT YALIYURU VILLAGE,
CHANNARAYAPATNA HOBLI,

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA



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DEVANAHALLI TALUK.

...PETITIONERS

(BY SMT. S.SUSHEELA, SENIOR ADVOCATE FOR
SRI. RAMESHA T.R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS UNDER
SECRETARY TO THE REVENUE DEPARTMENT,
VIDHANA SOUDHA, BENGALURU-560001.
2. THE DEPUTY COMMISSIONER,
BENGALURU RURAL DISTRICT,
CHAPPARKALLU VISHWANATHAPURA,
KUNDANA HOBLI, DEVANAHALLI TALUK.
3. THE ASSISTANT COMMISSIONER,
DODDABALLAPURA SUB-DIVISION,
DODDABALLAPURA.

SRI. MUNITHIMMARAYAPPA,
DEAD BY HIS LRS
4. SRI. THIMMARAYAPPA,
S/O. LATE MUNITHIMMARAYAPPA,
AGED ABOUT 60 YEARS,
5. SMT. RAMANJINAMMA,
W/O. THIMMARAYAPPA,
AGED ABOUT 56 YEARS,
6. SRI. SOMASHEKAR,
S/O. THIMMARAYAPPA,
AGED ABOUT 39 YEARS,
7. SMT. VARALAKSHMI,
D/O. THIMMARAYAPPA,
AGED ABOUT 35 YEARS,



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8. SRI. SUDHAKAR,
S/O. THIMMARAYAPPA,
AGED ABOUT 33 YEARS,

RESPONDENTS NO.4 TO 8 ARE
R/AT YELIYURU VILLAGE,
CHANNARAYAPATNA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT-562110.
9. SMT. SUNITHA MAHESH H.,
AGED ABOUT 51 YEARS,
D/O. NARAYANAPPA,
R/AT NO.3, 4TH MAIN ROAD,
L.D. BLOCK, GANGANAGAR,
BENGALURU-560032.
10. SMT. NARAYANAMMA,
AGED ABOUT 56 YEARS,
W/O. B.SRINIVAS,
R/AT BALEPURA VILLAGE,
CHANNARAYAPATNA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT-562129.
11. SRI. BALARAJU Y.,
AGED ABOUT 61 YEARS,
S/O. KRISHNAMRAJU Y.,
R/AT NO.8, 1ST FLOOR,
NO.153, 1ST MAIN ROAD,
VINAYAKANAGAR, BAGALURU CROSS,
BENGALURU-560063.
12. SRI. NAGARAJ,
AGED ABOUT 62 YEARS,
W/O. LATE MUNIYAPPA,
R/AT YALIYURU VILLAGE,
CHANNARAYAPATNA HOBLI,
DEVANAHALLI TALUK-562110.

...RESPONDENTS



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(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. MANJUNATH B.R., ADVOCATE FOR R4 TO R8;
SRI. PARAMESHWAR, ADVOCATE AND
SRI. ADHINARAYANA, ADVOCATE FOR
SRI. S.NAGESH, ADVOCATE FOR R9, R10 AND R11;
R12-SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

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

ORAL ORDER

Smt. S. Susheela, Senior Counsel for the petitioners;
Smt. Savithramma, AGA for respondents 1 to 3; Sri. Manjunath
B. R., counsel for respondents 4 to 8, and Sri. Parameshwar
and Sri. Adhinarayana, counsel for Sri. S. Nagesh, for
respondents 9 to 11; appeared in person.

2. This petition is filed seeking the following reliefs:

- a) Issue a writ of certiorari quashing the order dated
27.01.2009 in No.LND/SC/ST(A).49/2007-08 passed
by the 2nd respondent Deputy Commissioner,
restored the land bearing Sy.No.57/P20 new
Sy.No.166/2 measuring 3 acres; Annexure-A.



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- b) Direct the respondents 2 and 3 to restore the revenue entries in the name of petitioners in respect of land bearing Sy.No.57/P20 new Sy.No.166/2 measuring 3 acres of Yeleyuru village, Channarayapatna Hobli, Devanahalli Taluk;
- c) Grant such other relief/s this Hon'ble Court deems fit in the circumstances of the case and in the interest of justice and equity.

3. The brief facts are these:

The proceedings under Section 5 of the PTCL Act were initiated by Mr. Munithimmarayappa before the Assistant Commissioner. The Assistant Commissioner, vide order dated 23.06.2007, dropped the proceedings. Against that order, an appeal was preferred before the Deputy Commissioner. The petitioners herein were the respondents before the Deputy Commissioner, and they filed a memo stating that they had no objection to allowing the appeal. Taking note of the memo and the merits of the case, the Deputy Commissioner, vide order dated 27.01.2009, allowed the appeal. Strangely, after almost 14 years, the present writ petition is filed challenging the



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Deputy Commissioner's order on several grounds, as outlined in the memorandum of the writ petition.

4. Counsel for the respective parties urged several contentions.

Senior counsel for the petitioners argued passionately that the grantee sold the property in 1981, and nearly 26 years later, an application for resumption was filed. She pointed out the laches on the part of the grantee in pursuing the land resumption. Additionally, she claimed that the petitioners denied submitting such a memo to the Deputy Commissioner. She further requests that the Deputy Commissioner's order be overturned based on these grounds.

Conversely, the respondents' counsel jointly argued that there is an unjustifiable delay of nearly 14 years in filing the writ petition. They noted that the Deputy Commissioner issued the order on 27.01.2009, yet the petition was only filed in 2023. They also highlighted that the petition's memorandum lacks a satisfactory explanation for the delay and laches. On these grounds, they requested the dismissal of the petition.



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5. Heard the arguments and perused the papers carefully.

6. The point that requires consideration is whether the petitioners are diligent in prosecuting their rights.

7. This issue falls within a narrow compass and relates to the challenge to the Deputy Commissioner's order.

8. The Assistant Commissioner issued the order, and an appeal was subsequently filed with the Deputy Commissioner. The Deputy Commissioner also issued an order in 2009. Nevertheless, the current writ petition was filed only in 2023, resulting in a delay of nearly 14 years.

A review of the writ petition's memorandum shows that, aside from the claim that the petitioners did not submit a memo to the Deputy Commissioner, no explanation is provided for why they did not approach this Court within a reasonable timeframe. Paragraph 3C states that the petitioners are villagers and that they did not file a memo, but this explanation is entirely inadequate to justify the delay or the petitioners' nearly 14-year failure to assert their rights.



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This Court has carefully reviewed the memorandum of the writ petition. However, no adequate explanation has been provided for the excessive delay and laches by the petitioners. Based on these reasons, the writ petition should be dismissed solely due to delay and laches. Consequently, since the petition is dismissed on these grounds, the arguments on the merits of the case will not be considered.

9. Resultantly, the writ petition is ***dismissed***. Since this Court has dismissed the writ petition on the ground of delay and laches, it has not expressed any opinion on the merits of the case.

Due to the dismissal of the Writ Petition, any interim order granted is revoked, and any pending interlocutory applications are also disposed of.

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

MRP
List No.: 1 Sl No.: 24