



CNR: KAHC010356562025

NC: 2026:KHC:52569  
WP No. 16900 of 2025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23<sup>RD</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MS. JUSTICE JYOTI M**

**WRIT PETITION NO. 16900 OF 2025 (SCST-)**

**BETWEEN:**

SRI. RAJANNA  
S/O LATE SUBBANABHOVI  
AGED ABOUT 67 YEARS,  
R/AT CHELUVANAHALLI VILLAGE,  
VAKKALERI HOBLI, KOLAR  
TALUK-563101

...PETITIONER

(BY SRI. VARADARAJAN M S.,ADVOCATE)

**AND:**

1. THE DEPUTY COMMISSIONER  
KOLAR DISTRICT,  
KOLAR-563101
2. THE ASSISTANT COMMISSIONER  
KOLAR SUB DIVISION,  
KOLAR-563101
3. LAKSHMAMMA  
W/O PILLAPPA  
D/O LATE KANIYAPPA,  
AGED ABOUT 55 YEARS,  
R/AT GERUPURA VILLAGE,  
KASBA HOBLI, MALUR TALUK,  
KOLAR DISTRICT - 563101

...RESPONDENTS



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(BY SMT. SAVITHRAMMA, AGA FOR R1 & R2;  
SRI. SOURAV M., ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226  
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.M.S.Varadarajan., counsel for the petitioner and  
Smt.Savithramma., Additional Government Advocate for  
respondent Nos.1 and 2, appeared in person.

Sri.Sourav.M, counsel appeared in person and submits  
that he has filed vakalath for respondent No.3.

Submission is noted.

2. The petition is filed seeking a writ of certiorari to  
quash the orders passed by the Assistant Commissioner and  
the Deputy Commissioner. These orders are 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 appearing for the petitioner, while advancing his submissions, contended that the petitioner had purchased the property from Sri. Kanniyappa in 1993. However, the proceedings for resumption of the land were initiated only in 2011, after an unexplained delay of nearly 18 years. Therefore, it was submitted that the Assistant Commissioner as well as the Deputy Commissioner ought to have rejected the proceedings on the ground of laches. Elaborating on the additional grounds, counsel contended that, viewed from any angle, the initiation of proceedings under the PTCL Act is wholly untenable.

Per contra, AGA appearing for the State and counsel appearing for respondent No.5 submitted that the alienation was in violation of the provisions of the PTCL Act and, therefore, the order for resumption of the land is justified.

On the other hand, counsel appearing for respondent No.3 submitted that Sri. Kanniyappa had availed a hand loan from the petitioner and that the petitioner had forcibly obtained



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the sale deed from him. It was further contended that there was a clause for non-alienation for ever and without obtaining the requisite permission. It was vehemently argued that the plea of laches is not available in proceedings initiated for resumption of land under the PTCL Act. Counsel submitted that the orders passed by the Assistant Commissioner and the Deputy Commissioner directing resumption of the land are justified and do not call for interference. On these and other grounds, it was contended that the writ petition is devoid of merit and is liable to be dismissed.

4. The Court heard the arguments and carefully perused the papers.

5. This issue falls in a narrow compass and relates to the resumption proceedings initiated by so called grand daughter of the grantee Vallabhi Munibovi @ Vallabhi Muniyappa. It is suffice to note that the land in question is Sy.No.122, spans 2 acres 10 guntas. It was granted to Vallabhi Munibovi @ Vallabhi Muniyappa in 1961-62. He sold the property in favor of his one of his son namely Kanniyappa on 24.06.1982. Sri.Kanniyappa sold the property to the petitioner



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on 15.03.1993. As things stood thus, one Smt. Lakshmamma, claiming herself to be the grand daughter of the grantee initiated resumption proceedings after the delay of 18 years in 2011. The Assistant Commissioner allowed the claim. Against which, an appeal was preferred before the Deputy Commissioner and the Deputy Commissioner confirmed the order. This is untenable. Both the Assistant and Deputy Commissioners overlooked the nearly 18-year delay in initiating these proceedings. They failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 18 years, especially since the rights in the land were settled by the sale deed in 1982. The oversight in considering the delay and laches led to orders for land resumption being issued 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



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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 order of the Deputy Commissioner 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 21.11.2024 passed by the Assistant Commissioner vide Annexure-B and the order dated 13.05.2025 passed by the Deputy Commissioner vide Annexure-A are quashed. As this Court has quashed the order, the authority concerned is hereby directed to restore the petitioner's name in the subject land in the revenue records.

8. Resultantly, the writ petition is allowed.



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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**

SJK  
List No.: 1 Sl No.: 41