



CNR: KAHC010372352025

NC: 2026:KHC:50894
WP No. 17976 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 17976 OF 2025 (SC/ST)

BETWEEN:

SHRI. H.M.KRISHNAPPA,
S/O. MUTHAPPA,
AGED 65 YEARS,
R/OF HEMARLAHALLI VILLAGE,
JANGAMAKOTE HOBLI,
SIDLAGHATTA TALUK - 562 105.
CHIKKABALLAPUR DISTRICT.

...PETITIONER

(BY SRI. PATIL ASHOK BASANAGOUDA, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
CHIKKABALLAPUR DISTRICT,
CHIKKABALLAPUR - 562 101.
2. THE ASSISTANT COMMISSIONER
CHIKKABALLAPURA SUB-DIVISION,
CHIKKABALLAPURA - 562 101.
3. SHRI. MURALI B.N.,
AGED ABOUT 35 YEARS,
S/O. LATE CHIKKAVENKATAPPA,
R/O. HEMARLAHALLI VILLAGE,
JANGAMAKOTE HOBLI,
SIDLAGHATTA TALUK - 562 105.
CHIKKABALLAPURA DISTRICT.

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



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4. SMT. JAYALAKSHMAMMA,
D/O. LATE CHIKKAVENKATAPPA,
W/O. BALARAJ,
AGED ABOUT 38 YEARS,
R/O. HEMARLAHALLI VILLAGE,
JANGAMAKOTE HOBLI,
SIDLAGHATTA TALUK - 562 105,
CHIKKABALLAPURA DISTRICT.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. B.C.RAJANNA, ADVOCATE FOR R3 AND R4)

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. Patil Ashok Basanagouda, counsel for the petitioner,
appeared through video conferencing. Sri. Savithramma,
Additional Government Advocate for respondent Nos. 1 and 2,
and Sri. B. C. Rajanna, counsel for respondent Nos. 3 and 4,
appeared in person.

2. The petition is filed seeking a writ of certiorari to
quash the orders passed by the Assistant Commissioner and
the Deputy Commissioner.



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3. Counsel for the respective parties advanced several contentions. The Court heard the arguments and carefully perused the papers.

4. This issue is limited to resumption proceedings. The land in question, Sy.No.98/10 (New No.98/P12), spans 2 acres 20 guntas in Hemarlahalli Village. It was granted to Sri. Chikkavenkatappa on 21.09.1977. The grantee sold the property in favour of the petitioner on 18.08.1988.

The proceedings under Section 5 of the Act, initiated before the Assistant Commissioner in 2018 to seek land resumption, occurred after a significant 30-year delay. The Assistant Commissioner, through an order dated 10.06.2022, approved the claim. An appeal was then filed with the Deputy Commissioner, who, in an order dated 11.04.2025, upheld the Assistant Commissioner's decision. Both officials overlooked the nearly two-decade delay in starting these proceedings and failed to address the issue of laches or the petitioner's argument that the proceedings were initiated unreasonably late.



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The authorities should have evaluated whether to proceed after nearly 30 years, especially since the rights in the land were settled by the sale deed dated 18.08.1988. 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 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 orders passed by the Assistant Commissioner and confirmed by the Deputy Commissioner, directing resumption of the subject land, cannot be sustained in law. Accordingly, the impugned orders are liable to be set aside.

5. For the foregoing reasons, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be set aside.



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6. The writ of certiorari is ordered. The order dated 10.06.2022 passed by the Assistant Commissioner vide Annexure-H, and the order dated 11.04.2025 passed by the Deputy Commissioner vide Annexure-O are quashed.

7. 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**

SS
List No.: 2 Sl No.: 38