



CNR: KAHC010387052026

NC: 2026:KHC:52268
WP No. 17700 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 17700 OF 2026 (SC/ST)

BETWEEN:

1. SRI N SRINIVAS @ SWAMY
S/O LATE K NAGARAJU
AGED ABOUT 46 YEARS,
RESIDING AT 2ND CROSS
NEAR RAVI THEATRE, KUVEMPUNAGARA
HALAGURU VILLAGE AND HOBLI,
MALAVALLI TALUK
MANDYA DISTRICT-571 421.
2. SMT C V VIJAYA
W/O LATE K NAGARAJU
AGED ABOUT 65 YEARS,
R/AT HUCHCHEGOWDANADODDI VILLAGE
KASABA HOBLI,
MALAVALLI TALUK
MANDYA DISTRICT-571 430

...PETITIONERS

(BY SRI. BASAVARAJU H N.,ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
MANDYA DISTRICT
MANDYA-571 401.
2. THE ASSISTANT COMMISSIONER
MANDYA SUB DIVISION
MANDYA-571 401.



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3. SRI CHINNASWAMY
S/O LATE LINGAIAH @ KARIAIAH
AGED ABOUT 61 YEARS
RESIDING AT HOSAPURA VILLAGE,
KASABA HOBLI
MALAVALLI TALUK
MANDYA DISTRICT-571 430.
4. SHEELA @ SHEELA SHEKAR N.,
W/O SOMASHEKAR H D
D/O LATE K NAGARAJU
AGED ABOUT 43 YEARS
R/AT B HOSAHALLI VILLAGE
DUDDA HOBLI
MANDYA TALUK AND DISTRICT-571 417.
5. VATHSALA N
W/O JAGADEESH K R
D/O LATE K NAGARAJU
AGED ABOUT 39 YEARS,
RESIDING AT KARADAHALLI VILLAGE,
MALAVALLI TALUK
MANDYA DISTRICT-571 430.

...RESPONDENTS

(BY SMT. SAVITHRAMMA AGA FOR R1 AND R2;
SMT. RAMA R. IYER., ADVOCATE FOR R3;
VIDE COURT ORDER DATED 07.08.2026,
NOTICE TO R4 IS DISPENSED WITH)

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:



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ORAL ORDER

Sri.H.N.Basavaraju., counsel for the petitioners;
Smt.Savithramma., Additional Government Advocate for
respondent Nos. 1 & 2, and Smt.Rama.R.Iyer., counsel for
respondent No.3 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. These orders are challenged in this
writ petition on several grounds as set out in the memorandum
of the writ petition.

3. Counsel for the respective parties advanced several
contentions.

AGA and counsel for respondent No.3 submits that as
there was a violation of provisions of PTCL Act, the resumption
is justified.

Counsel appearing for respondent No.3 submits that
respondent No.3 is the son of the original grantee and was not
a party to the sale deed in question. Therefore, the sale deed
executed by his mother and brother would not be binding upon



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him, and his rights in the subject property have not been extinguished. It is further submitted that respondent No.3 was a minor at the time of execution of the sale deed and came to know of the said transaction only in the year 2017. Immediately thereafter, he initiated proceedings seeking resumption of the land. Hence, there is no delay or laches attributable to respondent No.3 in initiating the resumption proceedings. Counsel further submits that a statement of objections has been filed on behalf of respondent No.3 and requests this Court to take the same into consideration while adjudicating the present writ petition. 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 was granted to Mr.Ningaiah, in 1963. Later, the subject land was sold in 1984 through a registered sale deed.



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Nearly 35 years after the sale, in 2019-2020, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 35-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 35 years, especially since the rights in the land were settled by the sale deed in 1984. 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 contention of respondent No.3 that he was a minor at the time of the sale and, therefore, the sale is not binding upon him, cannot be accepted. The subject property was sold by his mother and brother, who were members of the same family. In



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the circumstances, respondent No.3, being a member of the family, cannot be permitted to contend that he was unaware of the transaction or that the sale was effected without his knowledge.

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 orders passed by the Assistant Commissioner and confirmed by the Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained. Accordingly, the impugned orders are liable to be set aside.

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

7. The writ of certiorari is ordered. The order dated 11.09.2024 passed by the Assistant Commissioner vide



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Annexure-F, and the order dated 07.04.2026 passed by the Deputy Commissioner vide Annexure-J are quashed. As this Court has quashed the orders, 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***.

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.: 70