



CNR: KAHC010408392026

NC: 2026:KHC:52960
W.P. No.18465/2026

**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.18465/2026 (SC-ST)

BETWEEN:

1. SRI. HANUMANTHAPPA
S/O LATE MALAPPA .D
AGED ABOUT 51 YEARS.
2. SRI. NAGAPPA
S/O LATE MALAPPA .D
AGED ABOUT 66 YEARS.
3. SMT. RANGAMMA
W/O LATE RAJAPPA
S/O LATE MALAPPA .D
AGED ABOUT 51 YEARS.

ALL ARE R/AT ARALIKATTE VILLAGE
KULENUR POST, CHANNAGIRI TALUK
DAVANGERE DISTRICT-577 552.

...PETITIONERS

(BY SRI. GOPALAKRISHNAMURTHY C., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
DAVANGERE DISTRICT-577001.
2. THE ASSISTANT COMMISSIONER
DAVANGERE DISTRICT-577001.



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3. THE TAHASILDAR
CHANNAGIRI TALUK
DAVANGERE DISTRICT-577213.

LATE THIMMABHOVI
S/O HANUMABHOVI
SINCE DEAD R/BY HIS LRS.

4. SRI. BASAVARAJ
S/O THIMMABHOVI
MAJOR
R/AT ARALIKATTE VILLAGE
KULENUR POST, CHANNAGIRI TALUK
DAVANGERE DISTRICT-577 552.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. S.V. JOGA RAO, ADVOCATE FOR 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.Gopalakrishnamurthy.C., counsel for the
petitioners; Smt.Savithramma., Additional Government
Advocate for respondent Nos. 1 to 3, and Sri.S.V.Joga
Rao., counsel for respondent No.4 appeared in person.



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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.

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.16/P-8, spans 4 acres. It was granted to original grantee in 1962. Later, the subject land



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was sold in 1974. Thereafter, a compromise decree has been taken place.

Nearly 49 years after the sale, in 2023-24, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner rejected the petition. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who approved the petition and ordered the land to be resumed. The Assistant Commissioner is justified in rejecting the petition. However, the Deputy Commissioner overlooked the nearly 49-year delay in initiating this proceedings. He failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authority should have evaluated whether to proceed after nearly 49 years, especially since the rights in the land were settled by the sale deed in 1974. The oversight in considering the delay and laches led to orders



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for land resumption being issued without adequately addressing a crucial and relevant issue.

Moreover, a suit was instituted between the parties, which was ultimately settled by way of compromise. In the said compromise, the family of the original grantee acknowledged that the property had been sold in favour of the petitioner's family.

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, directing resumption of the subject land, 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 12.03.2026 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 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.: 2 Sl No.: 39