



CNR: KAHC010450842026

NC: 2026:KHC:49493
WP No. 20447 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 20447 OF 2026 (SC/ST)

BETWEEN:

1. RATHNAMMA,
AGED ABOUT 60 YEARS,
W/O. RAMACHANDRAPPA,
AGRICULTURIST CUM HOUSE WIFE,
R/AT SAMPAPURA, NERANAHALLI,
VAKKALERI HOBLI, KOLAR TALUK-563130.
2. R.KAMALA,
AGED ABOUT 35 YEARS,
W/O. RAJANNA,
AGRICULTURIST CUM HOUSE WIFE
R/AT DHANDIGANAHALLI,
VAKKALERI HOBLI,
KOLAR TALUK,
KOLAR DISTRICT - 563130.

...PETITIONERS

(BY SRI. M.PRAKASH, ADVOCATE FOR
SRI. MANIVANNAN G., ADVOCATE)

AND:

1. THE DISTRICT COMMISSIONER,
KOLAR DISTRICT,
KOLAR - 563 130.
2. THE ASSISTANT COMMISSIONER,
KOLAR SUB-DIVISION,
KOLAR - 563 130.



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3. N.ROHIT KUMAR,
AGED ABOUT 30 YEARS,
S/O. LATE NARAYANASWAMY,
R/AT VAKKALERI VILLAGE,
VAKKALERI HOBLI,
KOLAR TALUK - 563130.

...RESPONDENTS

(BY SRI. SREEDHARA G.R., ADVOCATE FOR C/R3;
SMT. SAVITHRAMMA, AGA FOR R1 AND R2)

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:

ORAL ORDER

Sri.M.Prakash, counsel appearing on behalf of
Sri.Manivannan G., for the petitioners; Smt.Savithramma., AGA
appearing for respondent Nos.1 and 2; and Sri.Sreedhara.G.R.,
counsel appearing for caveator/respondent No.3, have
appeared in person.

2. The petition is filed seeking the following relief:

*"WHEREFORE, the petitioners most humbly pray
that this Hon'ble court may be pleased to call for the
records from the respondent no.1 and 2 and quash*



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the impugned order at "ANNEXURE-B" dated 08.06.2026 passed by the respondent No.1 in PTCL / 11 of 2026 confirming the impugned order at "ANNEXURE-B" dated 11-08-2025 in PTCL/ 26 of 2024 passed by the respondent no.2 allowing the petition filed by the respondent no.3 under Section 4 and 5 of the PTCL act declaring the sale deed dated 6-10-2005 at ANNEXURE-D of the petitioner no.1 and consequential gift deed dated 12-9-2012 of at ANNEXURE-F of the petitioner no.2 are void and for restoration of the subject land bearing Sy. No.10, New Sy.No.43 measuring 3 acres of Sambapura Village, Vakkaleri Hobli, Kolar Taluk to the legal heirs of the grantee in the interest of justice and equity."

3. The brief facts are these:

The property in question is Survey No. 10, New Survey No. 43, measuring 3 acres, situated in Sambapura Village, Vakkaleri Hobli, Kolar Taluk. The said land was granted to one Mr. Thathappa on 23.01.1982. After his death, his children sold the said property to the first petitioner on 06.10.2005. She, in turn, gifted the property to her daughter, the second petitioner, on 10.09.2012.

As the case stood, one of Mr. Thathappa's grandsons filed an application under Section 5 of the Karnataka Scheduled



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Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (referred to as 'the PTCL Act'), seeking land resumption before the Assistant Commissioner in 2024, after 19 years had passed. The Assistant Commissioner, through an order dated 11.08.2025, granted the claim. An appeal was then filed against this order, and the Deputy Commissioner, by order dated 08.06.2026, upheld the Assistant Commissioner's decision. Consequently, the petitioners are now before this Court.

4. Counsel for the respective parties advanced several contentions.

Counsel for the petitioners argued that the land was sold in 2005. However, Mr. N. Rohit Kumar, claiming to be the grandson of Mr. Thathappa, filed proceedings for resumption after 19 years in 2024. There was a delay and laches on the applicant's part. The Assistant Commissioner and Deputy Commissioner wrongly considered these delays and incorrectly ordered the land to be resumed.



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The Additional Government Advocate submits that the appropriate orders may be passed.

Mr Sreedhara G.R., the counsel representing the caveator/respondent No.3, defended the actions and orders of the Assistant Commissioner and the Deputy Commissioner. He stated that Mr Thathappa died intestate, making the property a joint family asset, and that the applicant, Mr N. Rohit Kumar, is his grandson and therefore entitled to a share. He justified the applicant's application under Section 5 of the PTCL Act, noting that at the time of the alienation, the applicant was a minor and had a share in the property, which should have given him rights. Additionally, he argued that the petition lacks merit.

Sri M. Prakash, representing the petitioners, argues that Mr Thathappa died intestate; Section 8 of the Hindu Succession Act, 1956, applies. The succession would then open immediately upon his death, making his children, as Class-I legal heirs, eligible to inherit. These heirs sold the property to petitioner No.1. He further urges that, based on these points, the petition should be granted.



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5. Heard the arguments and perused the papers with utmost care.

6. The issue concerns the specific order of land resumption. The land was granted to Mr. Thathappa in 1982. After his death, his Class-I heirs sold it to petitioner No.1 in 2005, who then gifted it to petitioner No.2. The applicant, claiming to be Mr. Thathappa's grandson, filed proceedings for land resumption 19 years later. However, this claim is invalid because Mr. Thathappa died intestate, and his children, as Class-I heirs under Section 8 of the Act, sold the property. Even if the applicant were the grandson, he would have no rights, since the property was the absolute property of Mr Thathappa, and his heirs, being Class-I heirs, sold it. The transaction occurred in 2005, but the application was only filed in 2024, indicating a significant delay. The Assistant and Deputy Commissioners overlooked relevant facts and failed to consider important matters.

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



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8. The writ of certiorari is ordered. The order dated 11.08.2025 passed by respondent No.2, the Assistant Commissioner, vide Annexure-B, and the order dated 08.06.2026 passed by respondent No.1, vide Annexure-A to the writ petition, are hereby quashed.

9. 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**

CH
List No.: 3 Sl No.: 46