



CNR: KAHC010470462026

NC: 2026:KHC:50152
WP No. 21371 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 21371 OF 2026 (SC/ST)

BETWEEN:

SHIVANNA R.,
S/O. RANGANNA,
AGED ABOUT 57 YEARS,
R/AT HALKURU VILLAGE,
KASABAHOBOLI,
SIRA TALUK-572137,
TUMAKURU DISTRICT.

...PETITIONER

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

AND:

1. THE DISTRICT COMMISSIONER,
TUMAKURU DISTRICT,
TUMAKURU-572101.
2. THE ASSISTANT COMMISSIONER,
MADHUGIRI SUB-DIVISION,
MADHUGIRI - 572 132,
TUMAKURU DISTRICT.
3. KUMAR R.,
AGED ABOUT 50 YEARS,
S/O. LATE RAMACHANDRAPPA,
R/AT HALKURU VILLAGE,
KASABAHOBOLI,



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SIRA TALUK-572137,
TUMAKURU DISTRICT.

...RESPONDENTS

(BY SMT. SPOORTHY V., HCGP FOR R1 AND R2;
SRI. SHUBHANKAR, ADVOCATE FOR
SRI. CHANDRAKANTH R.GOULAY, ADVOCATE FOR R3)

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 for the petitioner,
Sri.G.Manivannan., and Smt.Spoorthi., HCGP for
respondent Nos.1 & 2, appeared in person.

Sri. Shubhankar, counsel for Sri. Chandrakanth R.
Goulay, respondent No. 3, appeared via video
conferencing and sought time. The submission is noted.
This Court is not inclined to grant time. The reason is
simple. The petition was listed on 09.09.2026; on that
day, at the request of counsel for respondent No. 3, the



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matter was ordered to be listed today. It was also made clear that no further adjournment would be granted on the next date of hearing. Hence, this Court deems it appropriate to pass orders on the merits of the case.

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

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 Sy.No.49 (New Sy.No.67/2), measuring 1 acre, situated at Hulkuru Kaval village, Kasaba Hobli, Sira Taluk, was granted to one Smt. Ramakka on 29.09.1982. Form No.1 was issued on 13.10.1982. A division took place in her family, and the said land was allotted to Ranganathappa. He sold the property in favor of the



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petitioner on 03.02.2001. It has been stated in the sale deed that the said property has fallen to his share.

Nearly 21 years after the sale, proceedings under Section 5 of the Act began in 2022 before the Assistant Commissioner. The Assistant Commissioner approved the petition and ordered resumption of the land. Dissatisfied, the petitioner filed an appeal with the Deputy Commissioner, who upheld the original order. However, both officers overlooked the considerable delay of nearly 21 years in initiating these proceedings. They did not address the delay or the petitioner's argument that the proceedings began after an unreasonable lapse of time.

The authorities should have evaluated whether to proceed after nearly 21 years, especially since the rights in the land were settled by the sale deed dated 03.02.2001. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.



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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.

6. The writ of certiorari is ordered. The order dated 09.10.2025 passed by the Assistant Commissioner vide Annexure-B, and the order dated 12.06.2026 passed by the Deputy Commissioner vide Annexure-A are



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quashed. The authority concerned are hereby directed to restore the name of the petitioner in the revenue records with respect to the land in question.

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

MRP
List No.: 1 Sl No.: 68