



CNR: KAHC010474052021

NC: 2026:KHC:50882
WP No. 23250 of 2021

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. 23250 OF 2021 (SC/ST)

BETWEEN:

1. SMT. LAKKAMMA,
W/O. LATE KARIYAPPA,
AGED ABOUT 82 YEARS,
2. SMT. MANJAMMA,
D/O. LATE KARIYAPPA,
W/O. LATE GANGADHARAIHAH,
AGED ABOUT 50 YEARS,

BOTH ARE RESIDENT OF VANIGERE VILLAGE,
KOTTAGERE HOBLI, KUNIGAL TALUK,
TUMAKURU DISTRICT - 572 101.

...PETITIONERS

(BY SRI. NAIK N.R., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ITS SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
TUMAKURU DISTRICT,
TUMAKURU - 572 101.
3. THE ASSISTANT COMMISSIONER
TUMAKURU SUB-DIVISION,
TUMAKURU - 572101.

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



CNR: KAHC010474052021

NC: 2026:KHC:50882
WP No. 23250 of 2021

4. THE TAHASILDAR,
KUNIGAL TALUK,
TUMAKURU - 572101.
5. SRI. GAVISIDDAIAH,
S/O. CHIKKALINGAIAH,
MAJOR,
RESIDENT OF GARAGADAKUPPE,
HEBBUR HOBLI,
TUMAKURU DISTRICT - 572101.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
R5 SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 READ WITH ARTICLE 14 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

Mr.N.R.Naik, counsel for the petitioners appeared through
video conferencing. Smt.Savithramma., AGA for respondent
Nos.1 to 4 appeared in person.

Notice to respondent No.5 was ordered. A perusal of the
office note depicts that respondent No.5 is served and
unrepresented. Respondent No.5 has neither engaged the



CNR: KAHC010474052021

services of an advocate nor conducted the case as a party 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. The key facts are as follows:

The survey number is 40 to an extent of 39 guntas situated at Bisalahalli Village, Hebburu Hobli, Tumakuru Taluk. The said land was granted in favor of one Mr.Kariyappa in 1982. His family members sold this property in favor of one Hanumamma on 06.01.1997. The grantee's family filed application for resumption of the land in 1996-97 before the Assistant Commissioner. The Assistant Commissioner vide order dated 09.11.2004 ordered resumed of the land to the Government. The said order was assailed before the Deputy Commissioner in the year 2021 after a delay of almost 17 years. The application to condone the delay was also filed. The



CNR: KAHC010474052021

NC: 2026:KHC:50882
WP No. 23250 of 2021

reasons were not satisfied. Hence, the Deputy Commissioner rejected the application and also dismissed the appeal. Under these circumstances, the petitioner is before the Court.

4. Counsel for the respective parties presented several contentions. Heard the arguments and perused the papers with utmost care.

5. The issue falls within a narrow compass and relates to the belated appeal filed by the family of the grantee. It is an admitted fact that the resumption application was filed before the Assistant Commissioner in 1996-97. It is also undisputed that the Assistant Commissioner passed the order in 2004. Strangely, the family of the grantee filed an appeal after a considerable delay of almost 17 years. It is noted that an application was filed and the reasons were not satisfied. Hence the Deputy Commissioner rightly rejected the application so also the appeal. In my opinion the rejection is just and proper. This Court finds no grounds to interfere with the order passed by the Deputy Commissioner. Resultantly, the writ petition is ***dismissed.***



CNR: KAHC010474052021

**NC: 2026:KHC:50882
WP No. 23250 of 2021**

Because of dismissal of the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

**Sd/-
(JYOTI M)
JUDGE**

SJK
List No.: 2 Sl No.: 25