



CNR: KAHC010478042021

NC: 2026:KHC:52253
WP No. 23251 of 2021

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. 23251 OF 2021 (SC/ST)

BETWEEN:

SRI MELEGOWDA
S/O MARIGOWDA
AGED 75 YEARS
R/AT MALLIPATNA VILLAGE
ARAKALGUD TALUK
HASSAN DISTRICT.

...PETITIONER

(BY SRI. YASHWANTH NETHAJI N.T., ADVOCATE FOR
SRI. K. V NARASIMHAN, ADVOCATE)

AND:

1. DEPUTY COMMISSIONER
HASSAN DISTRICT
HASSAN - 573 201.
2. ASSISTANT COMMISSIONER
SAKLESH PURA SUB-DIVISION
SAKLESH PURA,
HASSAN - 573 127.
3. SRI PRASANNA
S/O LATE DODDAIAH
AGED ABOUT 40 YEARS
R/AT DODDAHALLI
ARAKALGUD TALUK
HASSAN DISTRICT - 573 133.

...RESPONDENTS



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(BY SMT. SAVITHRAMMA., AGA FOR R1 AND R2;
SRI. C.P. PUTTARAJU., ADVOCATE FOR R3-ABSENT)

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.Yashwanth Nethaji N.T., counsel on behalf of Sri.K.V.Narasimhan, for the petitioner, Smt. Savithramma, Additional Government Advocate for respondent Nos.1 and 2 appeared in person.

There is no representation on behalf of respondent No.3.

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

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



4. The issue revolves within a narrow compass and relates to the resumption proceedings. The land, is Sy.No.8/P1, covers 4 acres in Doddahalli Village, Arkalgud Taluk, Hassan District. It was granted to Sri.Sannegowda in 1956. He sold the property in 1962 and thereafter, it was sold in favor of the petitioner in 1980. However, proceedings were initiated under Section 5 of the Act, in 1981. The Assistant Commissioner allowed the claim. An appeal was filed before the Deputy Commissioner, who, dismissed the appeal. Hence, the writ petition was filed before this Court in W.P.No.10861/1993. This Court disposed of the petition and remanded the matter to the Assistant Commissioner. The Assistant Commissioner after remand, vide order dated 06.01.2005 allowed the claim, as against which an appeal was filed and the same came to be dismissed. Both the Assistant and Deputy Commissioners failed to have regard to the laches of 19 years.

The authorities should have evaluated whether to proceed after nearly 19 years, especially since the rights in the land were settled by the sale in 1962. The oversight in considering the delay and laches led to orders for land resumption being



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issued without adequately addressing a crucial and relevant issue.

The Division Bench clarified that laches should be the primary consideration 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 06.01.2005 passed by the Assistant Commissioner vide Annexure-D, and the order dated 15.12.2008 passed by the Deputy Commissioner vide Annexure-E are quashed. As this



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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.

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**

SS
List No.: 1 Sl No.: 25