



CNR: KAHC010483082024

NC: 2026:KHC:55037
WP No. 23037 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 23037 OF 2024 (SC/ST)

BETWEEN:

MR. VISHWANATHA REDDY
S/O LATE VENKATASWAMY REDDY,
AGED ABOUT 57 YEARS,
R/AT TARAHUNASE GRAMA,
VARTHUR HOBLI,
BENGALURU EAST TALUK,
BENGALURU-560087

...PETITIONER

(BY SRI. NISHANTH A.V., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
BENGALURU RURAL DISTRICT,
DISTRICT OFFICE COMPLEX,
BEERASANDRA VILLAGE,
DEVANAHALLI TALUK.
2. THE ASSISTANT COMMISSIONER
DODDABALLAPURA SUB DIVISION,
BENGALURU RURAL DISTRICT.
3. MR. H.T.RAVINDRA SHETTY,
S/O H N THIMMAREDDY,
AGED MAJOR,
R/AT NO.190, HOODI VILLAGE,
MAHADEVAPURA POST,
BENGALURU-560048

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



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4. MS. SUNITHA
W/O NOT KNOWN,
AGED ABOUT 47 YEARS,
R/AT NO.1183,THRUPTHI
3RD CROSS, 3RD STAGE,
HAL, BENGALURU-560075
5. MR. SUBBAPPA
S/O LATE MUNISWAMY @ MUNISWAMAPPA,
AGED ABOUT 67 YEARS,
R/AT NO.633, 7TH CROSS,
CHANNAKESHAVANAGARA,
HOSUR MAIN ROAD,
ELECTRONIC CITY,
BENGALURU-560100
6. MR M KRISHNAPPA
S/O LATE MADAPPA,
AGED ABOUT 65 YEARS,
R/AT NO.111, JAYANTHI COLONY,
THALI VILLAGE, DENKANIKOTAI TALUK,
KRISHNAGIRI DISTRICT,
TAMIL NADU STATE.
7. NARAYANAPPA
S/O LATE MADA @ MADAPPA,
AGED ABOUT 70 YEARS,
R/AT NO.7/11, KURUNJINAGAR,
MATHIKERE POST, HOSUR TALUK,
KRISHNAGIRI DISTRICT,
TAMILNADU STATE

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
R3 SERVED AND UNREPRESENTED;
SRI. A.P.ROHAN, ADVOCATE FOR
SRI. S.D.NARASIMHA PRASAD, ADVOCATE FOR
SRI. M.N.UMESH, ADVOCATE FOR R4;
SRI. SHIVASHANKAR K.,ADVOCATE R5 TO R7)



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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.Nishanth.A.V., counsel appearing for the petitioners, Smt.Savithramma., AGA., for respondent Nos.1 and 2, Sri.A.P.Rohan., counsel appearing on behalf of Sri.S.D.Narasimha Prasad and Sri.M.N.Umesh., for respondent No.4 and Sri.Shivashankar.K., counsel appearing for respondent Nos.5 to 7 appeared in person.

Respondent No.3 is served and unrepresented. He has neither engaged the services of an advocate nor conducted the case as a party in person.

Sri.Nishanth.A.V., counsel appearing for the petitioner submits that the petitioner is not pressing prayer No.(A).

Submission is placed on record.



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2. The petition is filed seeking a writ of certiorari to quash the order passed by the Deputy Commissioner dated 18.07.2024 vide Annexure-A to the writ petition in respect of Survey No.149/1. This order is challenged in this writ petition on several grounds as set out in the memorandum of the writ petition.

3. The brief facts are as follows:

The land bearing Survey No.118 (new Survey No.118/5), subsequently, renumbered as Survey No.149 and presently, Survey Nos.149/1 and 149/2, each measuring 1 Acre was originally granted in favor of one Sri.Shaara alias Shaarappa S/o Sri.Balagai Muniga vide grant order No.37/1396/37 (2 Acres). Sri.Narayanappa S/o. Shaarappa purchased Sy.No.149/1 to an extent of 1 Acre from Sri.Muniswamappa S/o. Shaarappa under a registered sale deed dated 31.01.1961. Sri.H.D.Raveendra Reddy, in turn, purchased the said property from Sri.Narayanappa S/o. Shaarappa and four others on 13.12.2006, for valuable consideration. Sri.Vishwanatha Reddy, under a registered dated: 11.04.2007 purchased the property from Sri.H.D.Raveendra Reddy.



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As things stood thus, in 2006, the resumption proceedings were initiated by the family of the grantee after a lapse of 26 years from coming into force the PTCL Act and 47 years from the first sale. The Assistant Commissioner has allowed the claim on 13.06.2016. Against the said order, an appeal was preferred and the Deputy Commissioner vide order dated 04.08.2021, set aside the order of the Assistant Commissioner and remanded the matter. After remand, the Assistant Commissioner vide order dated 02.09.2022, dismissed the claim. Against the said order, an appeal was preferred and the Deputy Commissioner vide order dated 18.07.2024, ordered restoration of the land bearing Sy.No.149/1 and, in so far as the dispute related to Sy.No.149/2 upheld the order of the Assistant Commissioner. Under these circumstances, the petitioner has filed the present Writ Petition on several grounds as setout in the memorandum of writ petition.

4. Counsel for the respective parties advanced several contentions.



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Counsel for the petitioner in presenting his arguments contended that Sri.Muniswamappa, one of the sons of the original grantee, sold the said property in favor of his nephew i.e., Sri.Narayanappa, in 1961 and Sri.Narayanappa in turn sold the said property, in 2006 and the petitioner purchased the said property, in 2007. It is argued that, taking 1961 as the first sale, the legal heir of Sri.Muniswamappa and Sri.Madappa could not have initiated resumption proceedings. As the father of Sri.M.Subbappa and the uncle of Sri.Krishnappa have dealt with the property, in 1961. The resumption proceedings were initiated after 47 years. Urging additional grounds, he submits that the order of the Deputy Commissioner is legally unsustainable and the same may be quashed.

Counsel for the petitioner places reliance on the following decisions:

- i. Sri.R.Suresh Mohan v. State of Karnataka and others, W.P.No.3597/2018 (SC-ST);
- ii. Seethamma W/o Late Sathyappa v. State of Karnataka and others, 2026 SCC OnLine SC 817;



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- iii. Kalappa Since Deceased, by His Lrs and others v. Nagamma and others, 2026 SCC OnLine Kar 436;
- iv. Smt.Gouramma @ Gangamma v. The Deputy Commissioner and others, W.A.No.100101/2024 (KLR-RES)

Conversely, Sri.Shivashankar.K., counsel appearing for respondent Nos.5 to 7 submitted that the contention regarding the laches cannot be sustained in the present case. He argued that the sale deed dated 31.01.1961 was among the family members. Hence, counting the period from 1961 cannot be taken into consideration. On the other hand, Sri.Narayanappa sold the property in 2006 and immediately in 2006 itself, the resumption proceedings were initiated. Hence, the question of laches cannot be taken into consideration in the present facts and circumstances of the case. He argued that the petitioner Sri.Vishwanatha Reddy has purchased the property after the initiation of resumption proceedings. Hence, there is violation of the provisions of the PTCL Act, and the writ petition lack merits it may be dismissed.



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5. The Court heard the arguments and carefully perused the papers.

6. The facts are sufficiently stated and do not require repetition. The issue falls within a narrow compass and pertains to the resumption proceedings.

The land in question was originally granted to one Sri. Shaara alias Shaarappa in 1937. The original grantee had children. The applicants, Sri. M. Subbappa, and Sri. Krishnappa, are the family members of the original grantee.

It is pertinent to note that Sri. Narayanappa, son of Sri. Shaarappa, purchased an extent of 1 Acre in Survey No.149/1 from Sri. Muniswamappa, son of Sri. Shaarappa, under a registered sale deed in 1961. Subsequently, Sri. Narayanappa sold the said property to Sri. Raveendra Reddy, who, in turn, sold the property to the petitioner.

The applicants, Sri. M. Subbappa and Sri. Krishnappa, are members of the family of the original grantee. The first applicant, Sri. M. Subbappa, is none other than the son of Sri. Muniswamappa. His father had admittedly dealt with the



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property in 1961. Therefore, being a member of the same family and being fully aware of the transaction, Sri. M. Subbappa could not have subsequently initiated resumption proceedings alleging violation of the provisions of the PTCL Act.

Likewise, the second applicant, Sri. Krishnappa, also initiated the resumption proceedings alleging violation of the provisions of the PTCL Act. However, he too is a member of the family of the original grantee. The property had already been dealt with by one of the members of the family under a registered sale deed. In such circumstances, the second applicant, being aware of the transaction, could not have subsequently sought resumption of the property on the ground of alleged violation of the provisions of the PTCL Act.

In the present writ petition, the family members of the original grantee contend that the sale transaction of 1961 was between members of the same family and, therefore, the said transaction cannot be relied upon for the purpose of attributing knowledge or constituting laches. Even assuming, for the sake of argument, that the sale of 1961 was a transaction between family members, the fact remains that Sri. Subbappa and Sri.



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Krishnappa were aware of the transaction and that a member of the family had already dealt with the property by executing a registered sale deed. Consequently, the subsequent initiation of resumption proceedings, after such a long lapse of time, was wholly unsustainable.

The Deputy Commissioner, however, failed to consider this material and relevant aspect of the matter and proceeded as though there had been a violation of the provisions of the PTCL Act warranting resumption of the land. In the present case, it is an admitted fact that the property had been sold in 1961 by a member of the family of the original grantee. Therefore, the very initiation of the resumption proceedings, after such an inordinate delay, was unsustainable in law.

Moreover, the resumption proceedings were initiated after a lapse of 47 years from the date of the first sale and 26 years from the commencement of the PTCL Act. Such an extraordinary and unexplained delay, coupled with the admitted knowledge of the transaction among the members of the original grantee's family, renders the initiation of the proceedings legally unsustainable. The Deputy Commissioner,



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therefore, ought to have rejected the proceedings on the ground of inordinate delay and laches (insofar as it relates to the property bearing Survey No.149/1).

7. The writ of certiorari is ordered. The order dated 18.07.2024 passed by the Deputy Commissioner vide Annexure-A is quashed (insofar as it relates to the property bearing Survey No.149/1). 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**

CH
List No.: 1 Sl No.:26.1