



CNR: KAHC010494422021

NC: 2026:KHC:49798
WP No. 23852 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 23852 OF 2021 (SC/ST)

BETWEEN:

1. SRI. LOKESHAPPA,
S/O. BASAPPA H.,
AGED ABOUT 62 YEARS,
2. SRI. REVAPPA R.B.,
S/O. BASAPPA H.,
AGED ABOUT 65 YEARS,

BOTH ARE R/O. DHONIHALLI VILLAGE,
KASABA HOBLI, CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577213.

...PETITIONERS

(BY SRI. YOGESH V.KOTEMATH, ADVOCATE FOR
SRI. VIRUPAKSHAIAH P.H., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
DAVANAGERE DISTRICT,
DAVANAGERE - 577001.
2. THE ASSISTANT COMMISSIONER,
DAVANAGERE SUB DIVISION,
DAVANAGERE - 577001.
3. THE TAHSILDHAR,
CHANNAGIRI TALUK, CHANNAGIRI,
DAVANAGERE DISTRICT - 577213.



**NC: 2026:KHC:49798
WP No. 23852 of 2021**

CNR: KAHC010494422021

4. SRI. A.K.NAGAPPA,
S/O. SANJEEVAPPA,
AGED ABOUT 55 YEARS,
R/O. YEREHALLI VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577213.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. KASHINATH J.D., ADVOCATE R4)

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. Yogesh V. Kotemath, counsel for the petitioners;
Smt. Savithramma, AGA for respondents 1 to 3; and Sri.
Kashinath J. D., counsel for respondent No. 4, appeared in
person.

2. The petition is filed seeking a writ of certiorari to
quash the order dated 08.03.2017 passed by the second
respondent No.2 vide Annexure-C, and the order dated
17.12.2021 passed by the first respondent vide Annexure-G.



CNR: KAHC010494422021

**NC: 2026:KHC:49798
WP No. 23852 of 2021**

These orders are called into question in this writ petition on several grounds as set out in the memorandum of the writ petition.

3. Counsel for the respective parties advanced several contentions.

The counsel for respondent No.4 argues that an amendment to Section 5 of the PTCL Act means the delay should not be considered relevant to the proceedings.

4. Heard the arguments and carefully perused the papers.

5. This issue is limited to resumption proceedings. The land in question, Sy.No.15/17, spans 3 acres at Sarathi Village, Kasaba Hobli, Channagiri Taluk, Davanagere District. It was granted to Mr. Rangappa on 09.09.1963. Later, he sold the property to petitioner No.1 through a registered sale deed dated 07.12.1991.

Nearly 26 years after the sale, proceedings under Section 5 of the Act were initiated in 2017 before the Assistant



CNR: KAHC010494422021

Commissioner, requesting land resumption. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, an appeal was filed with the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the significant delay of nearly 26 years in initiating these proceedings. They failed to consider the issue of laches or the petitioners' claim that the proceedings were begun after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 26 years, especially since rights related to the land were settled by the sale deed dated 07.12.1991. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.

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 legally



CNR: KAHC010494422021

NC: 2026:KHC:49798
WP No. 23852 of 2021

sustained. Accordingly, the impugned orders are liable to be set aside.

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

7. The writ of certiorari is ordered. The order dated 08.03.2017 passed by the second respondent vide Annexure-C and the order dated 17.12.2021 passed by the first respondent vide Annexure-G are quashed.

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**

MRP
List No.: 1 Sl No.: 27