



CNR: KAHC010526982019

NC: 2026:KHC:50146
WP No. 52616 of 2019

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. 52616 OF 2019 (SC/ST)

BETWEEN:

1. SHIVALINGAIAH S.,
SON OF LATE SANNEGOWDA,
SINCE DEAD BY LRS,

1(A) B.SARASWATHY,
W/O. LATE SHIVALINGAIAH,
AGED ABOUT 48 YEARS,
AGRICULTURIST,

1(B) BHARGAVI,
D/O. LATE SHIVALINGAIAH,
AGED 26 YEARS,
AGRICULTURIST,

PETITIONERS NO.1(A) TO 1(B) ARE
RESIDENT OF HEBBANDI VILLAGE,
KAVALGONDI POST,
BHADRAVATHI TALUK,
PIN-577 229.

2. SMT. GOWRAMMA,
W/O. PUTTASWAMY GOWDA,
AGED ABOUT 47 YEARS,
RESIDENT OF MACHENAHALLI
SHIVAMOGGA TALUK, PIN-577 229.

3. S.NAGARAJ,
S/O. LATE SANNE GOWDA,



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AGED ABOUT 40 YEARS,
RESIDENT OF HEBBANDI,
BHADRAVATHI TALUK, PIN-577 229.

4. SMT. BHAGYAMMA,
W/O. MALLIKARJUNASWAMY,
AGED ABOUT 42 YEARS,
RESIDENT OF KEMBADAKERE,
MALAVALLI TALUK,
MANDYA DISTRICT, PIN-571 430.

...PETITIONERS

(BY SRI. VARADARAJ RANGANATHA
RAO HAVALDAR, ADVOCATE)

AND:

1. SMT. PEEKLI BAI,
W/O. DAKYA NAIKA,
SINCE DEAD BY LRS
- 1(A). RUDRA NAIKA,
S/O. DAKYA NAIKA,
AGED ABOUT 60 YEARS,
- 1(B). PEEKYA NAIKA,
S/O. DAKYA NAIKA,
AGED ABOUT 58 YEARS,
- 1(C). MATHURA NAIKA,
S/O. DAKYA NAIKA,
AGED ABOUT 56 YEARS,
- 1(D). HEERA NAIKA,
S/O. DAKYA NAIKA,
AGED ABOUT 50 YEARS,
- 1(E). RAMA NAIKA,
S/O. BAJYA NAIKA,
AGED ABOUT 48 YEARS,



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- 1(F). BOTYA NAIKA,
S/O. KEERYA NAIKA,
AGED ABOUT 45 YEARS,

RESPONDENTS NO.1(A) TO 1(F) ARE
RESIDENT OF HEBBANDI THANDA,
KAVALAGUNDI POST,
BHADRAVATHI TALUK, PIN-577 229.

2. THE ASSISTANT COMMISSIONER,
SHIVAMOGGA SUB-DIVISION,
SHIVAMOGGA-577 201.
3. THE DEPUTY COMMISSIONER,
BALARAJ URS ROAD,
SHIMOGA DISTRICT,
SHIMOGA-577 201.
4. SMT. SUNANDAMMA,
W/O. CHIKKAIAH,
AGED ABOUT 50 YEARS,
RESIDENT OF ZINK LINE,
BHADRAVATHI, PIN-577301.

...RESPONDENTS

(BY SRI. SANDESH T.B., ADVOCATE R1(B);
SMT. SPOORTHY V., HCGP FOR R2 AND R3;
R1(A), R1(C), R1(D), R1(E), R1(F) AND R4
ARE SERVED AND UNREPRESENTED)

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:



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ORAL ORDER

Sri. Varadaraj Ranganatha Rao Havaladar, counsel for the petitioners; Sri. Sandesh. T. B., counsel for respondent No. 1 (B); and Smt. Spoorthi. V., HCGP for respondents 2 and 3, appeared in person.

Notice was issued to the respondents. A perusal of the office note shows that respondents Nos. 1(A), (C), (D), (E), (F) and 4 are served and unrepresented. They have neither engaged the services of an advocate nor conducted the case as a party in person.

Counsel for respondent No.1(B) seeks time to file the statement of objections.

This Court is not inclined to grant additional time because notice was issued in 2019 and, as of September 2026, nearly seven years have passed without objections being filed. Therefore, there is no reason to extend time for submitting the statement of objections.

2. The short facts are these:



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The property in question is Sy.No.61/3 (new Sy.No.146) to an extent of 2 acres. It was granted to one Mr. Dakya Naika on 08.12.1956. He sold 1 acre on 27.09.1965. On 21.05.1966, 07 guntas of land were sold, and another 08 guntas of land were sold on 23.05.1968. In all, 1 acre 15 guntas were sold by the grantee.

As matters stood, for the best reasons known to the revenue authorities, suo moto proceedings were initiated, contending that there was a violation of the provisions of the PTCL Act. The Assistant Commissioner, vide order dated 28.02.1994, held that the sales that occurred during 1965, 1966 and 1968 were in contravention of the provisions of the Act, 1978, and declared them null and void. An appeal was filed before the Deputy Commissioner. The Deputy Commissioner, vide order dated 18.01.2018, dismissed the appeal. Under these circumstances, the petitioners are before this Court.

3. Counsel appearing for the respective parties advanced several contentions.



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In presenting his argument, counsel for the petitioners strenuously urged that the legal representatives of the original grantee did not make any application for resumption. Hence, there was no need for the concerned officer to initiate suo moto proceedings or to hold that the sale deeds are nullified. He argued that the orders of the Assistant Commissioner and the Deputy Commissioner are vitiated and liable to be quashed.

Counsel for respondent No.1(B) justified the actions of the Assistant Commissioner and the Deputy Commissioner. He submits that there was a violation of the provisions of the Act. Hence, the proceedings were initiated and rightly concluded to be null and void. On additional grounds, he prayed for the dismissal of the petition.

4. Heard the arguments and perused the papers with utmost care.

5. The issue is confined to a narrow scope and pertains to the suo moto proceedings initiated by the officer regarding the granted land.



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6. The land was granted to Dakya Naika on 08.12.1956. Later, it was sold to Sannegowda. Notably, the original legal representatives did not challenge the grant or the sale, nor did they oppose the sale deed as landlords. Surprisingly, the Assistant Commissioner initiated suo moto proceedings and declared the sale deeds null and void, which is legally untenable. These transactions took place in 1965, 1966, and 1968, but the suo moto proceedings were only started in 1983 after nearly 15 years without a proper basis. In the Court's view, the Assistant Commissioner should have considered and evaluated whether there was any lapse before proceeding further.

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

8. The writ of certiorari is ordered. The order dated 18.01.2018 passed by the Deputy Commissioner, vide Annexure-A and the order dated 28.02.1994 passed by the Assistant Commissioner, vide Annexure-B, are quashed.



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9. 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.: 40