



CNR: KAHC010538232025

NC: 2026:KHC:50148
WP No. 25008 of 2025

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. 25008 OF 2025 (SC/ST)

BETWEEN:

SRI. V.NAGARAJA,
S/O. LATE VENKATAPPA,
AGED ABOUT 54 YEARS,
R/AT THORANAHALLI VILLAGE,
KASABA HOBLI, MALUR TALUK,
KOLAR DISTRICT - 563 130.

...PETITIONER

(BY SRI. MUNIRAJA M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REVENUE DEPARTMENT,
M.S. BUILDING, 5TH FLOOR,
DR. B.R.AMBEDKAR ROAD,
BENGALURU-560 001,
REPRESENTED BY ITS SECRETARY.
2. THE DEPUTY COMMISSIONER,
CHIKKABALLAPURA,
CHIKKABALLAPURA DISTRICT - 562 101.
3. THE ASSISTANT COMMISSIONER,
CHIKKABALLAPURA,
CHIKKABALLAPURA - 562 101.

BYRAMMA,
SINCE DECEASED BY HER LRS,



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4. SRI. MUNIANJANAPPA,
S/O. LATE HANUMAPPA,
AGED ABOUT 50 YEARS,
5. SMT. MUNIYAMMA,
D/O. LATE HANUMAPPA,
AGED ABOUT 52 YEARS,

RESPONDENTS NO.4 AND 5 ARE
R/AT HOSAPETE VILLAGE,
JANGAMAKOTE HOBLI AND POST,
SIDLAGHATTA TALUK,
CHIKKABALLAPURA DISTRICT - 562 102.

...RESPONDENTS

(BY SRI. YOGESH D.NAIK, AGA FOR R1 TO R3;
SMT. SHILPA GOPI, ADVOCATE FOR C/R4 AND R5)

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.Muniraja.M., counsel for the petitioner; Sri.Yogesh
D.Naik., AGA for respondents 1 to 3; and Smt.Shilpa Gogi.,
counsel for respondents 4 and 5, appeared in person.

2. The key facts are as follows:



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The land in question is bearing Survey No.1/P6, measuring 25 Guntas, situated at Hosapete Village, Jangamakote Hobli, Sidlaghatta Taluk, Chikkaballapura District.

One Mr. Hanumappa was in unauthorized possession of the said land. The Revenue Authority passed an order, issuing an official memorandum, to regularize his unauthorized possession on 21.10.1982. Pursuant to the order of regularization, Form No. 1 (Grant Certificate) was issued on 29.01.1983. Thereafter, Mr. Hanumappa died, and his legal heirs sold the property in favor of the petitioner on 27.07.2007.

As things stood, in 2013-14, the legal heirs of Mr. Hanumappa moved an application under Section 5 of the PTCL Act for resumption of the land. The Assistant Commissioner, vide Order dated 22.07.2022, rejected the application. Against the said order, they approached the Deputy Commissioner. The Deputy Commissioner, vide Order dated 21.07.2025, allowed the appeal. Under these circumstances, the petitioner is before this Court.



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3. Counsel for the respective parties urged several contentions.

Counsel for the petitioner strongly argued that the land was regularized through an official memorandum, confirming Mr. Hanumappa's possession. Therefore, the PTCL Act's provisions do not apply here, and the legal heirs of the grantee could not have started proceedings under it. He contended that this makes the entire process invalid and urged that the Deputy Commissioner's order be overturned.

Counsel for respondents 4 and 5 and AGA submits that appropriate orders may be passed.

4. Heard the arguments and carefully perused the papers.

5. This issue pertains only to resumption proceedings. Mr. Hanumappa was initially in unauthorised occupation, but this was subsequently regularised in his favour. Therefore, the application under Section 5 of the PTCL Act was not appropriate. Additionally, the land was sold to the petitioner in 2007. The relevant application under the PTCL Act was filed in



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2013-14, nearly seven years after the sale. The Deputy Commissioner did not address the issues of laches or the petitioner's argument that the proceedings were initiated after an unreasonable delay.

The Deputy Commissioner should have assessed whether to continue after nearly seven years, particularly since the land rights were settled by the sale deed dated 27.07.2007. Failing to consider applicability of the provisions of the Act and the delay and laches resulted in an order for land resumption being issued without properly addressing an important and relevant issue.

The Division Bench in W.A.No.1035/2025 clarified that laches should be regarded as the primary requirement 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 order passed by the Deputy Commissioner, directing resumption of the subject land, cannot



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be legally sustained. Accordingly, the impugned order is liable to be set aside.

6. For the foregoing reasons, the order of the Deputy Commissioner is liable to be set aside.

7. The writ of certiorari is ordered. The order dated 21.07.2025 passed by the second respondent vide Annexure-A is 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.: 55