



CNR: KAHC010542112025

NC: 2026:KHC:50149
WP No. 25025 of 2025

N 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. 25025 OF 2025 (SC/ST)

BETWEEN:

SRI. BALA,
S/O. SRI. MARAIAH,
AGED ABOUT 60 YEARS,
AGRICULTURALIST,
RESIDING AT BEGUR VILLAGE,
KASABA HOBLI, PERIYAPATTANA TALUK,
MYSORE DISTRICT-570001.

...PETITIONER

(BY SRI. VELLANKI RAVI, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
MYSORE DISTRICT,
MYSORE.-570001.
2. THE ASSISTANT COMMISSIONER,
HUNSUR SUB-DIVISION,
HUNSUR, MYSORE-570001.
3. THE TAHASILDAR
PERIYAPATTANA TALUK-571107.
4. SMT. KALAMMA
W/O. LATE THIMMAIAH,
AGED ABOUT 56 YEARS,



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5. SRI. THIMMARAYAPPA
S/O. LATE THIMMAIAH,
AGED ABOUT 44 YEARS,
6. SMT. JAYAMMA
D/O. LATE THIMMAIAH,
AGED ABOUT 42 YEARS,
7. SMT. LAKSHMIDEVI,
D/O. LATE THIMMAIAH,
AGED ABOUT 39 YEARS,
8. SMT.SUNITHA
D/O. LATE THIMMAIAH,
AGED ABOUT 37 YEARS,
9. SMT. SHARADAMMA,
D/O. LATE THIMMAIAH,
AGED ABOUT 36 YEARS,

RESPONDENTS NO.4 TO 9 ARE
RESIDING AT BEGUR VILLAGE,
KASABA HOBLI, PERIYAPATTANA TALUK,
MYSORE DISTRICT-571107.

...RESPONDENTS

(BY SRI. YOGESH D.NAIK, AGA FOR R1 TO R3;
SRI. PRAKASH, ADVOCATE FOR
SRI. Y.K.NARAYANA SHARMA, ADVOCATE FOR R4 TO R9)

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. Vellanki Ravi, counsel for the petitioner; Sri. Yogesh D. Naik, AGA for respondents 1 to 3; and Sri. Prakash, counsel for Sri. Y. K. Narayana Sharma, for respondent No. 4, appeared in person.

2. The petition seeks a writ of certiorari to quash the order dated 10.03.2025 passed by the Assistant Commissioner vide Annexure-A, and the order dated 23.07.2025 passed by the Deputy Commissioner vide Annexure-C. This writ petition calls these orders into question 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 strongly argued that permission to sell the land was not requested. He defended the grantee's decision to file an application for resumption, stating that the Assistant Commissioner and Deputy Commissioner thoroughly reviewed the record and rightly supported the



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grantee's claim. Consequently, he contends that the petition lacks merit and should be dismissed.

4. Heard the arguments and carefully perused the papers.

5. This issue is limited to resumption proceedings. The land in question, spans 4 acres in Beguru Village, Kasaba Hobli, Piriapatna Taluk, Mysore District. It was granted to Mr. Thimmaiah S/o. Hanumaiah on 13.02.1976. Later, he sold 1 acre of the property to the petitioner through a registered sale deed dated 05.02.1997, and the grant contained a non-alienation clause for 15 years.

Nearly 27 years after the sale, in 2024, the Lrs. of Mr. Thimmaiah initiated proceedings under Section 5 of the Act before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, the petitioners appealed to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 27-year delay in initiating these



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proceedings. They failed to consider the issue of laches or the petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 27 years, especially since rights related to the land were settled by the sale deed dated 05.02.1997. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial 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 orders passed by the Assistant Commissioner and confirmed by the Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained. Accordingly, the impugned orders are liable to be set aside.



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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 10.03.2025 passed by the Assistant Commissioner vide Annexure-A, and the order dated 23.07.2025 passed by the Deputy Commissioner vide Annexure-C 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.: 56