



CNR: KAHC010546882023

NC: 2026:KHC:51796
WP No. 23522 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 23522 OF 2023 (SC/ST)

BETWEEN:

SRI. CHOWDAPPA
S/O LATE MUNISHAMY,
AGED ABOUT 68 YEARS,
R/AT CHAKKARAPALLI VILLAGE,
J THIMMASANDRA POST,
RONURU HOBLI,
SRINIVASAPURA TALUK,
KOLAR DISTRICT - 563 135.

...PETITIONER

(BY SRI. JANARDHANA B.M., ADVOCATE FOR
SRI. HEGDE RAMAKRISHNA S., ADVOCATE)

AND:

1. DEPUTY COMMISSIONER
KOLAR DISTRICT
KOLAR - 563 101
2. ASSISTANT COMMISSIONER
KOLAR SUB DIVISION,
KOLAR TALUK,
KOLAR DISTRICT - 563 101.
3. SRI NARASIMHAPPA
S/O TALARI SRIRAMAPPA
AGED ABOUT MAJOR,
R/AT CHAKKARAPALLI VILLAGE,
RONURU HOBLI
THIMMASANDRA POST,

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



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SRINIVASAPURA TALUK,
KOLAR DISTRICT - 563 135.

4. THE STATE OF KARNATAKA
REPRESENTED BY THE CHIEF SECRETARY
VIDHANA SOUDHA
BENGALURU - 560 001.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1, R2 AND R4;
SRI. KESHAV R. AGNIHOTRI, ADVOCATE FOR R3)

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.Janardhana B.M., counsel for Sri.Hegde
Ramakrishna S., counsel for the petitioner;
Smt.Savithramma., Additional Government Advocate for
respondent Nos.1, 2 and 4, and Sri.Keshav R. Agnihotri,
counsel for respondent No.3 appeared, in person.

2. The petition is filed seeking a writ of certiorari
to quash the orders passed by the Assistant Commissioner
and the Deputy Commissioner. These orders are



challenged 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.

AGA and counsel for respondent No.3 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Counsel for respondent No.3 further submits that the LRs of the grantee were illiterate. Hence, they were unable to approach the forum in time. Hence, the question of delay and laches does not arise. Urging additional grounds, they submit that the petition lacks merit and the same may be dismissed.

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

5. This issue is limited to resumption proceedings. The land in question is Sy.No.11 spans 2 acres 10 guntas in Chakkarapalli Village, Ronuru Hobli, Srinivaspura Taluk,



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Kolar District. It was granted to Sri Ramappa, in 1978. Later, the original grantee sold the property in 1994 through a registered sale deed.

Nearly 21 years after the sale, in 2015, the Lrs. of original grantee 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 petitioner appealed to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 21-year delay in initiating these proceedings. They failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 21 years, especially since the rights in the land were settled by the sale deed in 1994. The



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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 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.

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



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7. The writ of certiorari is ordered. The order dated 02.03.2023 passed by the Assistant Commissioner vide Annexure-B, and the order dated 22.09.2023 passed by the Deputy Commissioner vide Annexure-A are quashed. As this Court has quashed the orders, 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

SJK
List No.: 1 Sl No.: 45