



CNR: KAHC010548502024

NC: 2026:KHC:53350
W.P. No.26955/2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 25TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MS. JUSTICE JYOTI M
WRIT PETITION NO.26955/2024 (SC-ST)

BETWEEN:

DASAPPA
SINCE DEAD BY HIS LR'S

1. SMT. CHINNAMMA
W/O LATE DASAPPA
AGED ABOUT 76 YEARS
2. D. VENKATESH
S/O LATE DASAPPA
AGED ABOUT 55 YEARS
3. GOPAL
S/O LATE DASAPPA.
AGED ABOUT 51 YEARS

ALL ARE R/AT BANNIMANGALA VILLAGE
KUNDANA HOBALI
ALURU DUDDANAHALLI POST
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562 110.

...PETITIONERS

(BY SRI. SANGAMESH G. PATIL, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
BENGALURU RURAL DISTRICT
BENGALURU - 562 110.



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2. THE ASSISTANT COMMISSIONER
DODDABALLAPURA SUB DIVISION
BENGALURU RURAL DISTRICT - 561203.

KATAPPA
SINCE DEAD BY HIS LR'S.

3. SMT. HANUMAKKA
W/O LATE KATAPPA
AGED ABOUT 66 YEARS
4. RAMESH S.K.
AGED ABOUT 41 YEARS
5. ANAND S.K.
AGED ABOUT 38 YEARS
6. SHIVAKUMAR S.K.
AGED ABOUT 34 YEARS
7. SMT. KRISHNAMMA
AGED ABOUT 45 YEARS

ALL ARE SONS AND DAUGHTER
OF LATE KATAPPA
R/AT SULAKUNTE VILLAGE
KUNDANA HOBLI, DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562 110.

8. MUNISWAMAPPA
S/O LATE CHIKKADASAPPA
AGED ABOUT 73 YEARS
R/AT SULAKUNTE VILLAGE
KUNDANA HOBLI, DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562 110.

...RESPONDENTS

(BY SMT. APOORVA H, ADVOCATE FOR
SRI. PRAKASH T. HEBBAR, ADVOCATE FOR C/R3 TO C/R8;
SMT. SPOORTHY V, HCGP FOR R1 & R2)



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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.Sangamesh.G.Patil., counsel appearing on behalf of the petitioners appeared through video conferencing.

Smt.Spoorthi.V., HCGP appearing on behalf of respondent Nos.1 and 2 and Smt.Apoorva.H., counsel appearing on behalf of Sri.Prakash.T.Hebbar., for caveator / respondent Nos.3 to 8 have appeared in person.

2. The petition is filed seeking a writ of certiorari to quash the order passed by the Deputy Commissioner. This order is challenged in this writ petition on several grounds as set out in the memorandum of the writ petition.



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3. Counsel appearing for the respective parties advanced their submissions.

Counsel for the petitioner, while making his submissions, strenuously contended that the Deputy Commissioner has erred in concluding the non-alienation period as 10 years, instead of the statutory period of 15 years. He further contended that the requisite permission had not been obtained prior to the sale of the property. Advancing further submissions, counsel argued that there was no delay or laches on the part of the grantee in seeking resumption of the land and, therefore, prayed that the order passed by the Deputy Commissioner be quashed.

High Court Government Pleader submitted that appropriate orders may be passed.

Counsel appearing for respondent Nos. 3 to 8, on the other hand, supported and justified the order passed by



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the Deputy Commissioner. He submitted that the said order does not warrant interference and that the writ petition, being devoid of merit, deserves to be dismissed.

4. I have heard the counsel for the parties and carefully perused the material on record.

5. The issue that arises for consideration is confined to the proceedings relating to resumption of the land. The land in question was granted in favor of Sri.Dasappa in the year 1965. Subsequently, the said land was sold in favor of Sri. Katappa in the year 1978 under a registered sale deed. However, the proceedings for resumption of the land were initiated only in the year 2006, after an inordinate delay of nearly 28 years from the date of the sale. Although the Assistant Commissioner allowed the claim for resumption, the Deputy Commissioner, taking into consideration the relevant facts and circumstances, allowed the appeal.



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In my considered view, the Deputy Commissioner was justified in allowing the appeal. Even assuming, for the sake of argument, that the period of non-alienation was 15 years and not 10 years, as observed by the Deputy Commissioner, the claim for resumption is nevertheless liable to fail on the ground of inordinate delay and laches. The proceedings were initiated after a lapse of nearly 28 years, which constitutes substantial and unexplained delay on the part of the grantee in seeking resumption of the land.

Therefore, the Deputy Commissioner was justified in allowing the appeal. I find no valid ground to interfere with the order passed by the Deputy Commissioner. The Assistant Commissioner ought to have rejected the claim on the ground of delay and laches itself.

6. Accordingly, the writ petition, being devoid of merit, is ***dismissed***.



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Consequent upon the dismissal of the writ petition,
any interim order granted earlier shall stand discharged.
Pending interlocutory applications, if any, stand disposed
of accordingly.

**SD/-
(JYOTI M)
JUDGE**

CH
List No.: 1 Sl No.: 27