



CNR: KAHC010553722019

NC: 2026:KHC:53709
WP No. 4747 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 4747 OF 2020 (SC/ST)

BETWEEN:

SMT. MADHU
AGED ABOUT 28 YEARS,
D/O. LATE. CHANDRAPPA,
R/AT MANDUR VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,

...PETITIONER

(BY SRI. S.N.ASHWATHANARAYANA, SENIOR ADVOCATE FOR
SRI. PRASANNA KUMAR B.T., ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
AMBEDKAR VEEDHI,
BENGALURU - 560001.
2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT,
K G ROAD, BENGALURU - 560009.
3. THE ASSISTANT COMMISSIONER
BENGALURU NORTH TALUK,
KG ROAD, BENGALURU - 560009
4. SRI. MOHAN REDDY
AGED ABOUT 64 YEARS,

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



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S/O. SRI. K. GOPAL REDDY,
R/AT SRI. KALLURAPALLI,
NELLORE MANDAL DISTRICT,
ANDHRA PRADESH,
REPRESENTED BY HIS GPA HOLDER,
SRI. VENKATAKRISHNA REDDY,
AGED ABOUT 28 YEARS,
S/O. SRI. VENKATA RAMI REDDY,
R/AT PENT HOUSE NO. 1,
VARIS FERNDAL APARTMENT,
KODIHALLI, 1ST MAIN BENGALURU -560008

5. SRI. K.SUDHAKARA REDDY,
S/O. LATE K.MUDDHUKRISHNA REDDY,
AGED ABOUT 74 YEARS,
R/AT FLAT NO.305, BLOCK A,
KENS RESIDENCY, PAI LAYOUT,
BENGALURU-560016.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
R4 DECEASED;
SRI. A.MADHUSUDHANA RAO, ADVOCATE FOR 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.S.N.Ashwathanarayana, Senior counsel on behalf
of Sri.Prasanna Kumar.B.T., for the petitioner;



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Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 3 and Sri.A.Madhusudhana Rao., counsel for respondent No.5 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.

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

Senior Counsel appearing for the petitioner submits that the application seeking resumption was filed by Smt. Madhu, who is the granddaughter of the original grantee and was not a party to the sale deed executed in 2004. It is vehemently contended that, pursuant to the order of remand, the Assistant Commissioner was justified in allowing the claim. However, the Deputy Commissioner, taking note of the mortgage transaction, erroneously



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treated the same as the first sale and consequently set aside the order passed by the Assistant Commissioner. Hence, it is submitted that the order passed by the Deputy Commissioner is liable to be set aside.

Per contra, the Additional Government Advocate and counsel appearing for respondent No.5 supported the order passed by the Deputy Commissioner. They contend that Smt. Madhu, the applicant, is none other than the granddaughter of the original grantee and that her father was a party to the sale deed. Therefore, placing reliance on the law laid down by the Apex Court in *Seethamma's case*, they submit that, being a family member of the original grantee, the applicant could not have independently initiated proceedings for resumption. On these and other grounds, they submit that the writ petition is devoid of merit and is liable to be dismissed.

4. Heard the counsel for the parties and perused the papers with care.



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5. The issue that arises for consideration is confined to the resumption proceedings initiated by Smt. Madhu in 2007. The land in question was granted in favor of the original grantee in 1938. The original grantee had mortgaged the land in 1949 for a period of ten years, and upon expiry of the said period, the land was re-transferred to the grantee in 1959. Subsequently, the land was sold in 2004. The proceedings for resumption, were initiated in 2007.

It is not in dispute that, on an earlier occasion, the Assistant Commissioner had rejected the claim. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who allowed the appeal and set aside the order passed by the Assistant Commissioner. The said order was called in question before this Court in W.P.No.26894/2012. This Court, by order dated 06.08.2013, disposed of the writ petition and remanded



the matter to the Assistant Commissioner for fresh consideration.

Pursuant to the order of remand, the Assistant Commissioner allowed the claim. Aggrieved by the same, an appeal was preferred before the Deputy Commissioner. The Deputy Commissioner, upon consideration of the matter, set aside the order passed by the Assistant Commissioner.

In the considered view of this Court, the order passed by the Deputy Commissioner does not warrant interference. It is evident from the records that the applicant, Smt. Madhu, is the daughter of Chandrappa, who is none other than the son of the original grantee, Sri. Narayanappa. The sale deed in question was executed in 2004 by the members of the family of the original grantee.

Having regard to the law laid down by the Apex Court in *Seethamma's case*, the applicant, being a member of the family of the original grantee, cannot seek



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to contend that the sale transaction is not binding on her merely on the ground that she was not a signatory to the sale deed. In the circumstances, the initiation of resumption proceedings at her instance cannot be sustained. Therefore, this Court is of the considered opinion that the Deputy Commissioner was justified in setting aside the order passed by the Assistant Commissioner. No grounds are made out for interference with the order passed by the Deputy Commissioner. Accordingly, the writ petition, being devoid of merit, stands ***dismissed***.

In view of the dismissal of the writ petition, the interim order, if any, stands discharged. Pending interlocutory applications, if any, stand disposed of accordingly.

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

MRP
List No.: 1 Sl No.: 32