



CNR: KAHC010559452025

NC: 2026:KHC:52262
WP No. 26023 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 26023 OF 2025 (SC/ST)

BETWEEN:

SRI. D.SHAMANNA
S/O LATE DODDA PAPAIAH
AGE ABOUT 74 YEARS
R/O KADASHIGENAHALLI VILLAGE
NANDHI HOBLI,
CHIKKABALLAPURA TALUK
CHIKKABALLAPURA DISTRICT
PIN CODE - 562 101.

...PETITIONER

(BY SRI. ONKARAPPA N.D., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPTD. BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER
CHICKBALLAPURA DISTRICT
CHICKABALLAPURA - 562 101.
3. THE ASSISTANT COMMISSIONER
CHICKABALLAPURA SUB DIVISION,
CHICKABALLAPURA - 562 101
CHICKABALLAPURA DISTRICT.



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4. THE TAHASILDAR
CHICKBALLAPURA TALUK
CHICKBALLAPURA DISTRICT - 562 101.
5. SMT. MUNIYAMMA
D/O LATE MUNIYAPPA @ KADUPAPPA
AGE ABOUT 58 YEARS
R/AT DODDA HULLUR VILLAGE,
HOSAKOTE TALUK
BENGALURU RURAL DISTRICT - 562 114.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SMT. N.NARASIMHA MURTHY, ADVOCATE FOR C/R5-ABSENT)

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.Onkarappa.N.D., counsel for the petitioner and
Smt.Savithramma., Additional Government Advocate for
respondent Nos. 1 to 4, appeared in person.

No representation on behalf of respondent No.5. The
petition was listed on 21.09.2026, there was no representation
on behalf of respondent No.5. Hence, for his appearance, it was



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ordered to be listed today. It was also made clear that if none appears on behalf of respondent No.5, the Court will pass orders on merits of the case. As already noted above, there is no representation on behalf of respondent No.5. Hence, this Court proceed to pass orders on the merits of the case.

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 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, she submits that the petition lacks merit and the same may be dismissed.

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



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5. This issue is limited to resumption proceedings. The land in question, Sy.No.14/4, spans 3 acres. It was granted to the original grantee in 1974 and the same was sold in 1990 through a registered sale deed.

Nearly 24 years after the sale, in 2014, the resumption proceedings were initiated under Section 5 of the Act before the Assistant Commissioner. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 24-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 24 years, especially since the rights in the land were settled by the sale deed in 1990. The oversight in considering the delay and laches led to orders for land



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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.

7. The writ of certiorari is ordered. The order dated 17.08.2022 passed by the Assistant Commissioner vide Annexure-G, and the order dated 21.07.2025 passed by the



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Deputy Commissioner vide Annexure-K 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.: 56