



CNR: KAHC010563612025

NC: 2026:KHC:51437
WP No. 25922 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 25922 OF 2025 (SC/ST)

BETWEEN:

1. SRI. VENKATESHAPPA,
SON OF LATE KEMPANAGAPPA,
AGED ABOUT 65 YEARS,
2. SRI. KRISHNAPPA,
AGED ABOUT 47 YEARS,
SON OF LATE SRI. KEMPANAGAPPA,
3. SRI. B. CHIKKANAGAPPA,
SON OF LATE BOOPANNA,
AGED ABOUT 55 YEARS
(WRONGLY SHOWN AS B.KRISHNA
NAGAPPA IN ANNEXURE N)
4. SRI. N.C.MUNIRAJU,
SON OF LATE CHIKKA DODDANNA,
AGED ABOUT 36 YEARS

ALL ARE PETITIONERS ARE RESIDING AT
NAGONDAHALLI VILLAGE,
LAKKUR HOBLI, MALUR TALUK,
KOLAR DISTRICT-563 160.

...PETITIONERS

(BY SRI. C.SHANKAR REDDY, ADVOCATE)



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AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY/COMMISSIONER,
REVENUE DEPARTMENT,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,
KOLAR-563 101.
3. THE ASSISTANT COMMISSIONER,
KOLAR SUB DIVISION,
KOLAR-563 101.
4. SRI. NARAYANASWAMY,
WIFE OF SRI. RAMAIAH,
AGED ABOUT 58 YEARS,
RESIDING AT NAGONDAHALLI VILLAGE,
LAKKUR HOBLI, MALUR TALUK,
KOLAR DISTRICT-563 160.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3 (PH))

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.C.Shankar Reddy, counsel for the petitioners and Smt.Savithramma., Additional Government Advocate for respondent Nos.1 and 3 appeared in person.

Respondent No.4 though served has remained absent. He has neither engaged the service of the advocate nor has he conducted the case as a party 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.

3. Counsel for the respective parties advanced several contentions. The Court heard the arguments and carefully perused the papers.

4. This issue revolves in a narrow compass and relates to the resumption proceedings initiated by the grantee's family. Suffice it to note that the land, Sy.No.140 (now No.140/P5), covers 4 acres in Nagondahalli Village Lakkur Hobli, Malur Taluk, Kolar District. It was granted to Sri.Munishami on 04.11.1952. He sold the property in favour of one Sri.Chikka



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Doddanna to an extent of 2 acres on 18.07.1975 and another extent of 2 acres to Sri.Kempu Nagappa on 18.07.1975.

The proceedings under Section 5 of the Act, initiated by the grantee's family before the Assistant Commissioner in 2007 to seek land resumption, occurred after a significant 32-year delay. The Assistant Commissioner, through an order dated 06.02.2025, approved the claim. An appeal was then filed with the Deputy Commissioner, who, in an order dated 05.08.2025 digitally signed on 12.08.2025, upheld the Assistant Commissioner's decision. However, both the Assistant and Deputy Commissioners overlooked the nearly 32-year delay in initiating these proceedings. They failed to consider laches or the petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 32 years, especially since the rights in the land were settled by the sale deed dated 18.07.1975. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.



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The Division Bench in W.A.No.1035/2025 clarified that laches should be the primary consideration 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 sustained in law. Accordingly, the impugned orders are liable to be set aside.

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

6. The writ of certiorari is ordered. The order dated 06.02.2025 passed by the Assistant Commissioner vide Annexure-L, and the order dated 05.08.2025 and digitally signed on 12.08.2025 passed by the Deputy Commissioner vide Annexure-B are quashed. As the Court has set aside the orders of the Assistant Commissioner and Deputy Commissioner, the



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revenue authorities are directed to restore the names of the petitioners in the revenue records pertaining to the land.

7. 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**

SS
List No.: 1 Sl No.: 17