



CNR: KAHC010571982025

NC: 2026:KHC:55040
WP No. 26372 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 26372 OF 2025 (SC/ST)

BETWEEN:

1. KUMARSWAMY
AGED ABOUT 53 YEARS,
S/O LATE ANDAVAN @ ANDAVAYYA,
R/AT MOSALE HOSAHALLI VILLAGE,
SHANTIGRAMA HOBLI,
HASSAN TALUK AND DISTRICT-573201.
2. SARASWATHI,
MAJOR,
W/O GANESH,
AGED ABOUT 48 YEARS,
R/AT CHANNAPATNA,
HASSAN TALUK AND DISTRICT-573201.
3. NAGAMANI,
AGED ABOUT 46 YEARS,
W/O NANDAKUMAR,
R/AT GOKULA LAYOUT,
HASSAN TOWN AND DISTRICT-573201
4. TULASI MANI,
W/O R. BABU,
AGED ABOUT 44 YEARS,
R/AT VISHWESHWARAIHA LAYOUT,
HIRIYOOR TOWN AND TALUK,
CHITRADURGA DISTRICT - 577501.

...PETITIONERS

(BY SRI. GIRISH B BALADARE, ADVOCATE)

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



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AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDING, BENGALURU-560001.
2. THE DEPUTY COMMISSIONER,
HASSAN DISTRICT
HASSAN-573201,
3. THE ASSISTANT COMMISSIONER,
HASSAN SUB DIVISION,
HASSAN DISTRICT-573201.
4. TAHASILDAR,
HASSAN TALUK,
HASSAN - 573201
5. PUSHPA,
W/O RANGASWAMY,
AGED ABOUT 54 YEARS,
R/AT NO.178, SRI RANGA NILAYA,
VIDHYANAGARA,
HASSAN TALUK AND DISTRICT-573201

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. H.JAYAKARA SHETTY, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 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.Girish B.Baladare., counsel for the petitioners;
Smt.Savithramma., Additional Government Advocate for
respondent Nos. 1 to 4, and Sri.H.Jayakara Shetty.,
counsel for respondent No.5 appeared in person.

2. The petition is filed seeking a writ of certiorari to quash the order dated:07.01.2025 passed by the Deputy Commissioner, to the extent of forfeiture of the land bearing Sy.No.51/P3, (new Sy.No.58) measuring 2 acres 31 guntas to the Government and consequently restore the aforesaid land in the name of the petitioners who are the legal heirs of deceased Amasamma. This order is 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.

Counsel for the petitioners submits that the petitioners are the legal heirs of original grantee and the



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resumption of the land in favor of the Government is unsustainable in law. He placed reliance on the decision in Satyan's case. Urging other grounds, he submits that the writ petition may be allowed.

The AGA justified the Deputy Commissioner's order. Urging additional grounds, she submits that the writ petition lacks merit and is liable to be dismissed.

4. The Court has heard the arguments and carefully perused the papers on record.

5. The issue in the present writ petition is confined to the resumption proceedings. The land in question, bearing Sy.No.51/P3, (new Sy.No.58), measures 2 acres 31 guntas. The same was granted to Amasamma in 1978. Subsequently, the subject land was sold in 2013 under a registered sale deed.

Nearly six years after the sale, in 2019, resumption proceedings were initiated before the Assistant



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Commissioner. The Assistant Commissioner rejected the claim. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who partly allowed the appeal.

The order passed by the Deputy Commissioner is produced along with the writ petition and is marked as Annexure-G. A perusal of the said order reveals that the Deputy Commissioner, taking note of the fact that the original grantee had died spinster and issueless, ordered resumption of the subject land in favor of the Government.

The petitioners contend that the original grantee was Amasamma. The applicants claim to be relatives of Amasamma and, asserting themselves to be her nearest legal heirs, filed an application seeking resumption of the land. Even before this Court, the petitioners have reiterated the said contention. Counsel for the petitioners has placed reliance on Section 15 of the Hindu Succession



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Act, contending that the applicants are the legal representatives of the original grantee, Amasamma.

The question as to whether the applicants are the legal representatives of the original grantee or not involves disputed questions of fact, which cannot appropriately be adjudicated in writ proceedings.

The Deputy Commissioner observed that the original grantee had died unmarried and without issue and, accordingly, ordered resumption of the subject land in favor of the Government. The said action of the Deputy Commissioner is found to be justified. Accordingly, this Court finds no ground to interfere with the order passed by the Deputy Commissioner.

Accordingly, the writ petition is ***dismissed***.

It is open to the parties to approach the appropriate forum, if so advised and if permissible in law.



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On dismissal of the writ petition, any interim order stands discharged. Consequently, all pending interlocutory applications, if any, stand disposed of.

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

MRP
List No.: 2 Sl No.: 24