



CNR: KAHC010577202025

NC: 2026:KHC:52570
WP No. 26586 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 26586 OF 2025 (SCST-)

BETWEEN:

SRI SRINIVASA REDDY
SON OF LATE. KRISHNAREDDY,
AGED ABOUT 50 YEARS
RESIDING AT MATTAKANNASANDRA VILLAGE,
RONUR HOBLI, SRINIVASAPURA TALUK,
KOLAR DISTRICT-563 109.

...PETITIONER

(BY SRI. H. NAGARAJA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
REVENUE DEPARTMENT,
M.S. BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BANGALORE-560 001.
2. THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,
KOLAR-.563101
3. THE ASSISTANT COMMISSIONER
KOLAR SUB-DIVISION,
KOLAR-563101.
4. THE THASILDAR,
SRINIVASAPURA TALUK,



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KOLAR DISTRICT-563109.

5. SRI.TIRUMALLAPPA
SON OF LATE. NERAGANTI VENKATAPPA,
@BANGALORE VENKATAPPA,
AGED ABOUT 58 YEARS,
RESIDING AT MATTAKANNASANDRA VILLAGE,
RONUR HOBLI, SRINIVASAPURA TALUK,
KOLAR DISTRICT-563 109.

...RESPONDENTS

(BY SMT. SPOORTHY V. HCGP FOR R1 TO R4;
SRI. K. VISHWANATHA, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING
CERTAIN RELIEFS.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

Sri.H.Nagaraja., counsel for the petitioner;
Smt.Spoorthi V., High Court Government Pleader for
respondent Nos.1 to 4, and Sri.K.Vishwanatha., counsel
for respondent No.5 appeared in person.



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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.

HCGP and counsel for respondent No.5 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, they submit that the petition lacks merit and the same may be dismissed.

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

5. This issue is limited to resumption proceedings. The land in question, Old Sy.No.187, New Sy.No.202, spans 4 acres. It was granted to Sri.Neeraganti



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Venkatappa, in the year 1965. Later, the subject land was sold in the year 1973.

Nearly 43 years after the sale, in 2016, the resumption proceedings were initiated under Section 5 of the Act before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner allowed the claim. Against which, an appeal was preferred before the Deputy Commissioner and the Deputy Commissioner confirmed the order. However, both the Assistant and Deputy Commissioners overlooked the nearly 43-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 43 years, especially since the rights in the land were settled by the sale deed in 1973. The oversight in considering the delay and laches led to orders



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for land 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 04.12.2024 passed by the Assistant Commissioner



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vide Annexure-B, and the order dated:07.07.2025 passed by the Deputy Commissioner vide Annexure-A 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.: 43