



CNR: KAHC010584072025

NC: 2026:KHC:50448
WP No. 26734 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 26734 OF 2025 (SC/ST)

BETWEEN:

SRI. S.KRISHNA MURTHY,
S/O. LATE T.V.SUBBARAYA,
AGED ABOUT 70 YEARS,
R/AT GANJAM ROAD,
IN FRONT OF DHARIDWALAT
SRIRANGAPATNA TOWN,
MANDYA DISTRICT - 571438.

...PETITIONER

(BY SRI. CHOKKAREDDY, ADVOCATE FOR
SRI. DHANANJAY B.C., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY PRINCIPAL SECRETARY
REVENUE DEPARTMENT,
M.S.BUILDING,
AMBEDKAR BEEDHI,
BENGALURU - 560 001.
2. DEPUTY COMMISSIONER,
MANDYA DISTRICT,
MANDYA - 571401.
3. ASSISTANT COMMISSIONER,
SUB-DIVISION PANDUPURA,
PANDUPURA-571434,
MANDYA DISTRICT.

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



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4. TAHSILDAR,
SRIRANGAPATNA TALUK,
SRIRANGAPATNA,
MANDYA DISTRICT - 571438.
5. SRI. NARAYANASWAMY G.V.,
S/O. LATE Y.T.VENKATAPPA,
AGED ABOUT 60 YEARS,
R/AT ANCHEKERE BHEEDI,
SRIRANGAPATNA TOWN,
MANDYA DISTRICT-571438.
6. SMT. KUMUDHA,
W/O. LATE J.M.DHANANJAY,
AGED MAJOR,
R/AT NO.16-B, 5TH MAIN,
6TH CROSS, K.H.ROAD,
SARASWATHIPURAM,
MYSORE - 570009.
7. SRI. B.M.NARASIMHARAJU,
S/O. LATE B.K.MARIGOWDA,
AGED MAJOR,
R/AT BILENAHALLI,
SRIRANGAPATNA TOWN,
MANDYA DISTRICT - 571438.
8. SMT. B.M.LEELAVATHI,
W/O. DR.NARAYANAGOWDA,
AGED MAJOR,
R/AT K.A.MARUTHI RAO POWER BUILDING,
N.R.MOHALA, MYSORE-570007.
9. SMT. B.M.NALINI,
W/O. M.S.MANJUNATH,
AGED MAJOR,
R/AT NO.2705/50, 7TH MAIN,
YADHAVAGIRI, MYSORE-570020.



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10. SMT. NINGAMMA
S/O. LATE MARIGOWDA,
AGED MAJOR,
R/AT K.A.MARUTHI RAO POWER BUILDING,
N.R.MOHALA, MYSORE - 570007.
11. SRI. B.M.PRAKASH,
S/O. LATE MARIGOWDA,
AGED MAJOR,
R/AT K.A.MARUTHI RAO POWER BUILDING,
N.R.MOHALA, MYSORE - 570007.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R4;
R5 IS SERVED AND UNREPRESENTED;
VIDE COURT ORDER DATED 17.07.2026,
NOTICE TO R6 TO R11 DISPENSED WITH)

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

THIS WRIT PETITION IS LISTED FOR ORDERS, THIS DAY,
AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Chokka Reddy, counsel for the petitioner and
Smt.Savithramma, Additional Government Advocate for
respondent Nos. 1 to 4, appeared in person.

2. This petition is filed seeking the following reliefs:



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- (i) Issue a writ of certiorari by quashing Annexure-A dated 08.07.2025, passed by the 2nd respondent in PTCL No.2/2024 by dismissing the appeal and confirm the Assistant Commissioner, and further declare the sale transactions are illegal, further directed to recovery of possession and enter the Government name in the land records in respect of Sy.No.406, measuring 1 acre 26 guntas, situated at Srirangapatna Village, Srirangapatna Taluk, by allowing the writ petition.
- (ii) Grant such other reliefs deems fit under the facts and circumstances of the case in the interest of justice and equity.

3. The short facts are as follows:

The land is Survey No.406, measuring 1 acre 26 guntas, situated in Srirangapatna Village. It was granted to Sri.Y.T.Venkatappa on 15.06.1953. He sold the said land in favor of Sri.B.K.Marigowda on 12.01.1961. He, in turn, sold the property in favor of the petitioner on 12.01.1986.

As matters stood, the grantee Sri. Venkatappa filed an application for resumption of the lands in 1989 before the Assistant Commissioner. The Assistant Commissioner, vide



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order dated 27.03.1989, dismissed the claim. Against that order, an appeal was filed before the Deputy Commissioner, who, vide order dated 23.12.1991, remanded the matter to the Assistant Commissioner. Aggrieved by the remand order, the petitioner filed a petition before this Court in Writ Petition No. 13176 of 1992. This Court, vide order dated 08.04.1992, disposed of the matter and remanded it to the Assistant Commissioner. On remand, the Assistant Commissioner rejected the claim on 19.05.2001. Strangely, after a lapse of almost 23 years, an appeal was preferred before the Deputy Commissioner in 2024. The Deputy Commissioner, vide order dated 08.07.2025, set aside the order of the Assistant Commissioner. Under these circumstances, the petitioner is before this Court and has filed the present writ petition on several grounds as outlined in the memorandum of the writ petition.

4. Counsel Sri. Chokka Reddy, in presenting his argument, vehemently contended that the Assistant Commissioner issued the order in 2001. However, an appeal was filed 23 years later. The Deputy Commissioner ought to



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have rejected the appeal on the grounds of delay and laches. He argued that the sale transactions occurred in 1961 and 1986, but the resumption proceedings were initiated much later. Therefore, he submits that the order of the Deputy Commissioner is liable to be quashed.

The Additional Government Advocate for respondents Nos. 1 to 4 submits that appropriate orders may be passed.

5. Heard the arguments and perused the papers with utmost care.

6. The issue falls within the scope of an appeal and relates to the belated appeal filed by the grantee's legal representative. It is undisputed that after the remand by this Court, the Assistant Commissioner passed the order on 19.05.2001. However, an appeal was preferred 23 years later, amounting to an inordinate delay. The order of the Deputy Commissioner is furnished along with the writ petition and marked as Annexure A. A perusal of the order reflects that the Deputy Commissioner failed to consider the considerable delay and erroneously allowed the appeal, which, in the opinion of



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this Court, is legally unsustainable. Furthermore, the original grantee sold the property in 1961, and in turn, there was a sale in favor of the petitioner in 1986. The resumption proceedings were initiated much later. The Deputy Commissioner ought to have rejected the appeal and confirmed the order of the Assistant Commissioner.

7. For the reasons stated above, the Writ of Certiorari is ordered. The order of the Deputy Commissioner dated 08.07.2025 is liable to be quashed. Accordingly, it is quashed.

8. Resultantly, the writ petition is ***allowed***.

On disposal of the Writ Petition, any interim order stands discharged, and pending interlocutory applications, if any, are disposed of.

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

SS

List No.: 1 Sl No.: 19