



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 1531 OF 2025 (SC-ST)

BETWEEN:

1. CHANDRA
S/O THIMMAIAH
AGED ABOUT 45 YEARS
R/AT MUTHURAYANAPURA VILLAGE
HAROHALLI HOBLI
HAROHALLI TALUK
PREVIOUSLY KANAKAPURA TALUK
KARNATAKA - 562 112

...APPELLANT

(BY SRI SHRIDHAR NARAYAN HEGDE, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
RAMANAGARA DISTRICT
DISTRICT OFFICE COMPLEX
B.M. ROAD
RAMANAGARA - 562 159
2. THE ASSISTANT COMMISSIONER
RAMANAGARA SUB DIVISION MAGISTRATE
DISTRICT OFFICE COMPLEX
B.M. ROAD
RAMANAGARA - 562 159

Digitally
signed by
AMBIKA H B
Location:
High Court
of Karnataka



3. THE TAHSILDAR
KANAKAPURA TALUK
DODDABETTAHALLI
KARNATAKA - 562 117
4. SHIVANNA
S/O LATE PUTTEGOWDA
AGED ABOUT 58 YEARS
5. DUDEGOWDA
S/O LATE PUTTEGOWDA
AGED ABOUT 55 YEARS
6. NAGARAJU
S/O LATE PUTTEGOWDA
AGED ABOUT 46 YEARS

ALL ARE RESIDING AT
BHEEMASANDRA DHOODI VILLAGE
MALARVADI HOBLI
HAROHALLI TALUK
PREVIOUSLY KANAKAPURA TALUK
RAMANAGARA DIST - 562 121

...RESPONDENTS

(SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1 TO 3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT
PETITION NO.11467/2020 DATED 11/12/2020 & ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN
AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 11.12.2020 passed by the learned Single Judge of this Court in Writ Petition No.11467/2020 (SC-ST).
2. The appellant has filed an application seeking condonation of a delay of 1261 days in filing the present appeal, supported by an affidavit. The only explanation provided by the appellant for the inordinate delay of almost four years is that the advocate engaged by him had not informed him regarding the dismissal of the petition. The appellant also states that in the year 2022-2023, his mother, who was aged about 83 years, had fractured her leg and the appellant had taken her to an Ayurvedic doctor in Tamil Nadu, where she was treated. It is stated that he was regularly taking her for such treatment. Additionally, he states that his father was hospitalised in the year 2024 and subsequently, expired in the month of November 2024. The appellant states that he was upset and could not concentrate on any work thereafter. However, he



contacted his advocate in the month of July 2025 and was informed regarding dismissal of his petition. The present appeal was filed on 11.09.2025.

3. In our view, the appellant's explanation does not provide sufficient cause for not filing the appeal within the stipulated period.

4. We are unable to accept the explanation that the advocate for the appellant did not inform the appellant regarding dismissal of the petition. Plainly, the appellant was also required to keep himself informed of the progress of his case. It is difficult to accept that the appellant can absolve himself of his inaction for almost four years to find out the fate of his petition.

5. We, accordingly, reject the appellant's application for condonation of delay. In view of the above, it is not necessary to examine the merits of the case. However, we have examined the merits as well, and find no merit in the appeal.

6. The dispute relates to land bearing Sy. No. 48/P5 measuring 2 acres situated at Linganapura Village, Maralvadi Hobli, Kanakapura Taluk (now Harohalli Taluk), Ramanagara District [**the subject land**']. The subject land was granted to one Pangala



Thimmaiah [**the original grantee**], the grandfather of the appellant, on 18.07.1960 and it is stated that this grant was made in respect of persons belonging to the depressed class (SC-ST). The Saguvali Chit was issued in the year 1960.

7. After the demise of the original grantee, his daughters, namely Rangamma and Venkatamma came into possession of the subject land. The legal heirs of the original grantee sold the subject land to one Puttegowda, the father of respondent Nos. 4, 5 and 6 herein, vide a registered sale deed dated 16.09.1994 .

8. The appellant, claiming to be the grandson of the original grantee, filed an application on 29.01.2007 before respondent No.2 - Assistant Commissioner, Ramanagara Sub-Division under Sections 4 and 5 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 [**PTCL Act**], seeking cancellation of the sale deed dated 16.09.1994 and restoration of the subject land in his favour. The said case was registered as Case No.PTCL(K)/02/2008-09.

9. The Assistant Commissioner, by order dated 30.11.2009, allowed the application filed by the appellant, holding that the



alienation of the subject land was in violation of Section 4(2) of the PTCL Act. Consequently, the sale deed dated 16.09.1994 was cancelled and the subject land was ordered to be restored to the heirs of the original grantee.

10. Aggrieved by the said order, Sri Puttegowda (father of respondent Nos. 4 to 6) preferred an appeal before respondent No.1 - Deputy Commissioner in Case No. LND/SC/ST/A/25/2009-10. The Deputy Commissioner, by order dated 12.07.2018, dismissed the appeal and confirmed the Assistant Commissioner's order, holding that the sale was effected without the Government's prior permission, in violation of Section 4(2) of the PTCL Act.

11. Puttegowda expired on 13.03.2019. Thereafter, his legal heirs, respondent Nos. 4 to 6 herein, being aggrieved by the orders of the Assistant Commissioner and the Deputy Commissioner, filed Writ Petition No. 11467/2020 (SC-ST) before this Court.

12. The learned Single Judge, by the impugned order dated 11.12.2020, allowed the writ petition and set aside the orders passed by the Assistant Commissioner dated 30.11.2009 and the Deputy Commissioner dated 12.07.2018. The learned Single



Judge, placing reliance on the decision of the Division Bench of this Court in **Smt. Ningamma vs. The Tibetan Children's Village and others in W.A. No.4092/2017** decided on 09.04.2019, held that the application for restoration was filed by the appellant after an inordinate delay of fourteen years (the sale having been effected on 16.09.1994 and the application for restoration having been filed on 29.01.2007). The learned Single Judge observed that in the case of **Ningamma** (*supra*), the Division Bench had considered the delay of twelve years and set aside the restoration order; since the delay in the present case was fourteen years, the application for restoration was liable to be rejected on the ground of delay alone.

13. In **Nekkanti Rama Lakshmi vs. State of Karnataka and another: 2017 SCC OnLine SC 1862**, the Supreme Court set aside the restoration order, noting a delay of 25 years.

14. Section 5 of the PTCL Act was subsequently amended by Karnataka Act No. 30 of 2023, whereby Clauses (c) and (d) were inserted in sub-section (1) of Section 5 of the Act with effect from 27.07.2023. Clause (c) provides that notwithstanding anything contained in any law, there shall be no limitation of time to invoke the provisions of the PTCL Act. Clause (d) provides that the



provisions of Clause (c) shall apply to all cases pending before all competent authorities and all Courts of Law adjudicating cases under this section.

15. The import of the said amendment was considered by the Co-ordinate Bench of this Court in **Smt. Gouramma alias Gangamma vs. The Deputy Commissioner, Haveri: NC: 2024:KHC-D:10666-DB** and the court observed as under:

"(d) The Amendment Act that is made applicable with retrospective effect is only a duplication of the existing legal position. Such duplication happened even in English legislative history, hardly needs to be mentioned. The question of delay is a matter of limitation which this statute is silent about. Clauses (c) and (d), now introduced to Section 5(1) of the Act, do not bring any change in the statutory scheme. At the most, they are declaratory of what the statute has been all through, so far as the limitation period is concerned. Nobody disputes that there was no limitation period earlier and there is no limitation period now too. Laches, which would involve a host of factors, pertains to the Domain of Equity.

(e) Nekkanti supra does not speak of 'limitation period' at all. What it discusses is, the long lapse of time between alienation of granted land and the filing of claim for its resumption.

(f) It may be true, that the legislative debates might have taken place about the observations of the Apex Court in Nekkanti and other such cases while passing the Amendment Bill. That per se does not lend credence to the contention that the said amendment intends to invalidate the law declared by the highest court of the country which it did after considering all aspects of the matter including the sense of equity &



justice. If the Legislature intended to silence the voice of Nekkanti, it would have employed a different terminology. We repeat that, ordinarily, delay is decided by computing the period of limitation prescribed by law, whereas 'laches' is decided keeping in view a host of factors.

(g) There is a marked difference between 'delay & laches' that operate in equity and 'limitation & delay' that obtain in law."

16. The Special Leave Petition preferred against the decision of this Court in **Smt.Gouramma** (*supra*), being SLP (C) Diary No.19020/2025, was dismissed by the Supreme Court by an order dated 09.05.2025, which reads as under:

"Delay condoned.

Heard learned counsel for the petitioner(s).

We see no merit in this case which calls for our interference, in exercise of our jurisdiction under Article 136 of the Constitution of India. The present petition is, accordingly, dismissed along with pending application(s), if any."

17. Similarly, in **Smt.M.Manjula and others vs. The Deputy Commissioner and others: NC:2024:KHC:51015-DB**, the Co-ordinate Bench of this Court, after considering the amendment to Section 5 of the PTCL Act and the decision in Smt. Gouramma (*supra*), held as under:

"5.2 Though the principles governing overlap, the delay and laches has the facet in equity. Delay is the



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genus to which the laches and acquiescence are species. The jurisprudential concepts of delay, laches and acquiescence have their own colour and connotation and conceptually often different from crossing the period of limitation prescribed in the statutory provision. Limitation binds the litigant in terms of initiating a legal action or filing any proceedings. Laches concedes an element of culpability in allowing time to pass by in commencing the action in law.

6. In light of the above discussion and the position of law that would emerge, in the facts of the case, the restoration of the land cannot be permitted after 12 years. The question of laches would come into play. 12 years having been passed, it would be highly unreasonable, unjust and inequitable, as well as against law to grant any relief to the original grantee-the petitioner-appellant, permitting restoration of the land and to treat the transfer of the land taken place long back to be null and void."

18. The Special Leave Petition preferred against the decision of this Court in **Smt.M.Manjula** (*supra*), being SLP (C) No.8421/2025, was also dismissed by the Supreme Court by an order dated 01.04.2025, wherein the Supreme Court observed as under:

"Heard learned senior counsel for the petitioners.

We see absolutely no reason to interfere with the order of the High Court, in exercise of our jurisdiction under Article 136 of the Constitution of India.

The present petition is, accordingly, dismissed along with pending application(s), if any."

19. In the present case, the subject land was sold on 16.09.1994, and the application for restoration was filed on



29.01.2007, that is, after a delay of more than 12 years. The appellant has not provided any satisfactory explanation for this inordinate delay. As held in **Smt.Gouramma** (*supra*) and **Smt.M.Manjula** (*supra*), an application for restoration filed after such an unreasonably long period was not liable to be entertained.

21. In view of the above, we find no infirmity with the decision of the learned Single Judge in dismissing the application for restoration on the ground of inordinate delay.

22. The appeal is, accordingly, dismissed both on account of delay as well as on merits.

21. The pending interlocutory application also stands disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**