



CNR: KAHC010608982025

NC: 2026:KHC:51438
WP No. 28369 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. 28369 OF 2025 (SC/ST)

BETWEEN:

1. SRI MUNIRAJU
S/O RAMAPPA
AGED ABOUT 55 YEARS
2. SRI SHEKAR
S/O RAMAPPA
AGED ABOUT 38 YEARS

BOTH ARE R/AT ALUR VILLAGE
DEVEERAPALLI PANCHAYAT
BALIGANAPALLI POST
BAGALUR PIRKA, HOSUR TALUK
KRISHNAGIRI DISTRICT
TAMIL NADU - 635 103.

...PETITIONERS

(BY SRI. A MADHUSUDHANA RAO, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KOLAR DISTRICT
KOLAR - 563 101.
2. THE ASSISTANT COMMISSIONER
KOLAR SUB-DIVISION
KOLAR - 563 101.

SRI THOPAPPA
S/O MARIMUNIGA



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SINCE DEAD BY CLAIMING TO BE THE LR

3. SRI MUNIRAJ
S/O MUNIKRISHNAPPA AND
MUNIRATHNAMMA
AGED ABOUT 34 YEARS
R/AT SONNEPURAM VILLAGE
BERIKI POST, SULIGIRI TALUK
KRISHNAGIRI DISTRICT
TAMIL NADU - 635 105.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 & R2;
R3 - SERVED UNREPRESENTED)

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:

ORAL ORDER

Sri.A.Madhusudhana Rao, counsel for the petitioners
appeared through video conferencing and Smt.Savithramma.,
Additional Government Advocate for respondent Nos.1 and 2
appeared in person.

Respondent No.3 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.



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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.

3. Counsel for the respective parties advanced several contentions.

Counsel for the petitioner in presenting his arguments submits that the land in question was granted to one Sri.Maarimuniga in 1952 and he entered into an agreement for sale in favor of the petitioners father viz., Sri.Ramappa. He did not execute the sale deed, hence, they were constrained to file a suit in O.S.No.151/1995 and the same was decreed and ultimately, Court Commissioner executed the sale deed on 17.08.2002. However, the proceedings were initiated under the PTCL Act in 2021. Counsel therefore submits that having executed a registered sale deed, initiation of proceedings under the PTCL Act after unreasonable delay, does not arise. Urging additional grounds, he prayed that the orders of the Assistant Commissioner and Deputy Commissioner may be quashed.



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Additional Government Advocate submits that an appropriate order may be passed.

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

5. The issue revolves within a narrow compass and relates to the resumption proceedings. The land, Sy.No.61 (now No.61/P16), covers 4 acres in Madamangala Village, Lakkur Hobli, Malur Taluk Kolar District. It was granted to Sri.Maarimuniga in 1952. The sons of the grantee executed an agreement for sale. As there was no absolute sale deed, the civil proceedings were initiated by filing a suit and the suit was decreed and accordingly, a sale deed was executed by the Court Commissioner in 2002.

However, proceedings were initiated under Section 5 of the Act, in 2021 after a considerable delay of 19 years. The Assistant Commissioner, through an order dated 11.11.2024, approved the claim. An appeal was then filed with the Deputy Commissioner, who, in an order dated 28.07.2025, upheld the Assistant Commissioner's decision. However, both the Assistant



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and Deputy Commissioners overlooked the nearly 19-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 19 years, especially since the rights in the land were settled by the sale deed executed by the Court Commissioner in 2002. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.

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



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law. Accordingly, the impugned orders are liable to be set aside.

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

8. The writ of certiorari is ordered. The order dated 11.11.2024 passed by the Assistant Commissioner vide Annexure-P, and the order dated 28.07.2025 passed by the Deputy Commissioner vide Annexure-S are quashed.

9. 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.: 18