



CNR: KAHC010610342024

NC: 2026:KHC:52257
WP No. 29157 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 29157 OF 2024 (SC/ST)

BETWEEN:

SMT. C.R. SUMITHRA
W/O. A.YOGISH
AGED ABOUT 41 YEARS
R/AT NO.48, NEW BANK COLONY
NEAR SILICON CITY SCHOOL
CHUNCHANAGHATTA VILLAGE
KONANAKUNTE POST
BANGALORE SOUTH TALUK
BENGALURU-560 062
REPRESENTED BY HER GPA HOLDER
SHRI.R.VENKATESH
S/O. RAMAKRISHNAIAH
AGED ABOUT 46 YEARS
R/AT NO.25, 9TH 'E' CROSS
SARAKKI GATE,
J.P.NAGAR, 1ST PHASE
BENGALURU-560 078.

...PETITIONER

(BY SRI. SRIHARI A.V., ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE
M.S.BUILDING
BENGALURU-560 001



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REPRESENTED BY ITS
PRINCIPAL SECRETARY.

2. THE DEPUTY COMMISSIONER
RAMANAGARA DISTRICT
RAMANAGARA PIN 562 159.
3. THE ASSISTANT COMMISSIONER
RAMANAGARA SUB-DIVISION
RAMANAGARA PIN 562 159.
4. SMT. GOWRAMMA
W/O. LATE LINGAIAH
AGED ABOUT 49 YEARS
5. SHRI. GANGADHARA.M.N
S/O. LATE LINGAIAH
AGED ABOUT 25 YEARS

RESPONDENTS NO.4 AND 5
RESIDING AT GULLATTIKAVAL
(MUNIGARA) VILLAGE
HAROHALLI HOBLI AND TALUK
RAMANAGARA DISTRICT PIN - 562 112.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. B.SHARATH KUMAR, ADVOCATE FOR R4 AND R5)

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:



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ORAL ORDER

Sri.Srihari.A.V., counsel for the petitioner;
Smt.Savithramma., Additional Government Advocate for
respondent Nos. 1 to 3, and Sri.B.Sharath Kumar., counsel
for respondents 4 and 5 appeared in person.

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.

The petitioner's counsel submits that because the
land's unauthorized occupation was regularized, the
provisions for resumption under the PTCL Act do not apply.
The unauthorized occupation was officially regularized by
the concerned officer through an Official Memorandum in



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1982. Consequently, any claim that the provisions of the PTCL Act were violated is wholly unsustainable.

AGA and counsel for respondents 4 and 5 submits that as there was a violation of provisions of PTCL Act, the resumption is justified.

Counsel appearing for respondents Nos.4 and 5 further submits that respondent No.4 had approached the Tahsildar in the year 2011 by filing a petition objecting to the transfer of the khata in favor of the petitioner. He submits that, at the relevant point of time, the son of the original grantee was a minor and that the property had been sold without the knowledge or consent of the grantee's wife and son. Consequently, the wife and son of the grantee instituted a suit for partition, which came to be dismissed for non-prosecution. He further submits that, pursuant to the orders passed by the Assistant Commissioner and the Deputy Commissioner, possession of the subject property has been handed over to the



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original grantee. 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, Sy.No.201, new Sy.No.336, spans 2 acres in Avaremala Village, Maralawadi Hobli, Kanakapura Taluk. It was granted to Mr.Lingaiah, in 1982. Later, the subject land was sold in 2010 through a registered sale deed.

Nearly 10 years after the sale, in 2019-2020, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 10-year



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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 10 years, especially since the rights in the land were settled by the sale deed in 2019-2020. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.

Moreover, the subject land was originally under unauthorised occupation and was subsequently regularised. In such circumstances, the question of initiating proceedings under the provisions of the PTCL Act would not arise. Further, the sale had taken place in the year 2010, the proceedings were initiated only in the year 2019-2020, after a considerable lapse of time. The contentions regarding the filing of the suit and the status



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of the petitioner cannot be examined or adjudicated upon in the present writ petition, as such questions fall outside the scope of the proceedings before this Court.

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.



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7. The writ of certiorari is ordered. The order dated 16.03.2023 passed by the Assistant Commissioner vide Annexure-B, and the order dated 22.08.2024 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**

MRP
List No.: 1 Sl No.: 41