



CNR: KAHC010617332023

NC: 2026:KHC:54171
WP No. 26004 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 26004 OF 2023 (SC/ST)

BETWEEN:

1. SRI. GOVINDAPPA
SON OF LATE. NARAYANAPPA,
AGED ABOUT 63 YEARS,
RESIDING AT BHUVANAHALLI VILLAGE,
KASABA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT,
PIN CODE - 571 102.
2. SMT. JUNJAMMA
SON OF GOVINDAPPA,
AGED ABOUT 52 YEARS,
RESIDING AT BHUVANAHALLI VILLAGE,
KASABA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT,
PIN CODE - 571 102.
3. SMT. BHAGYAMMA
SON OF MANJUNATH,
AGED ABOUT 58 YEARS,
RESIDING AT BHUVANAHALLI VILLAGE,
KASABA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT,
PIN CODE - 571 102.

...PETITIONERS

(BY SRI. NARENDRA BABU H. L., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY,

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



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VIDHANA SOUDHA,
BENGALURU,
PIN CODE - 560 001.

2. THE PRINCIPAL SECRETARY,
DEPARTMENT OF LAND REVENUE,
M.S. BUILDING,
BENGALURU,
PIN CODE - 560 001.
3. THE DEPUTY COMMISSIONER,
TUMAKURU,
PIN CODE - 572 101.
4. THE ASSISTANT COMMISSIONER,
MADHUGIRI SUB DIVISION,
TUMAKURU,
PIN CODE - 572 132.
5. SRI. LINGANNA
SON OF THAMMANNA,
AGED ABOUT 50 YEARS,
RESIDING AT BHUVANAHALLI VILLAGE,
KASABA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT,
PIN CODE - 572 137.
6. SMT. MUDDAMMA
WIFE OF LATE THAMMANNA,
SINCE DEAD REPRESENTED BY LRS
I.E., RESPONDENTS NO.5 AND 7
7. SMT. LAKSHMAMMA
WIFE OF RANGANATHAPPA,
AGED ABOUT 45 YEARS,
RESIDING AT BHUVANAHALLI VILLAGE,
KASABA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT,
PIN CODE - 572 137.



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8. SRI. L. MOHAN KUMAR
SON OF T. LINGAPPA,
AGED ABOUT 28 YEARS,
RESIDING AT BHUVANAHALLI VILLAGE,
KASABA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT,
PIN CODE - 572 137.
9. SRI. L. GURUKIRAN
SON OF T. LINGAPPA,
AGED ABOUT 26 YEARS,
RESIDING AT BHUVANAHALLI VILLAGE,
KASABA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT,
PIN CODE - 572 137.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. RAJESH M., ADVOCATE FOR
SRI. SAGAR B. B., ADVOCATE FOR R5 TO R9
V/O DATED 29.09.2026,
R5 AND R7 ARE TREATED AS LRs OF DECEASED R6)

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.Narendra Babu H.L., counsel for the petitioners,
Smt.Savithramma., Additional Government Advocate for
respondent Nos.1 to 4 and Sri.Rajesh, counsel on behalf of



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Sri.Sagar B.B., for respondent Nos.5 to 9 appeared in person.

Counsel for the petitioner submits that prayer No.(a) is not pressed.

Submission is taken on record.

2. The present petition is filed seeking a writ of certiorari to quash the orders passed by the Assistant Commissioner and the Deputy Commissioner. The said orders are challenged on several grounds urged in the memorandum of the writ petition.

3. Counsel for the respective parties have advanced their submissions.

Counsel for the petitioner, while canvassing his arguments, vehemently contends that the original grantee himself had alienated the property in 1995 and, therefore, could not have subsequently initiated resumption proceedings in respect of the very same property. He



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submits that, after initiation of the proceedings in 2012, the family of the grantee filed a memo seeking withdrawal of the claim and, accordingly, the proceedings came to be closed. However, subsequently, at the instance of a third party, the Assistant Commissioner restored the proceedings and proceeded to allow the claim, which order was thereafter confirmed by the Deputy Commissioner. On these grounds, counsel submits that the orders passed by the Assistant Commissioner and the Deputy Commissioner are unsustainable in law and are liable to be quashed.

Additional Government Advocate submits that appropriate orders may be passed.

Counsel appearing for respondent Nos.5 to 9 fairly submits that a memo had indeed been filed seeking withdrawal of the claim. However, he submits that the competent authority subsequently restored the proceedings and, thereafter, passed the order. Urging additional grounds, he submits that the writ petition is



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devoid of merit and that appropriate orders may be passed.

4. Heard the counsel for the parties and perused the material on record with care.

5. The issue involved in the present petition lies within a narrow compass and relates to the resumption proceedings initiated by the original grantee, Sri. Linganna.

It is sufficient to note that the subject land was granted to Sri. Linganna. Out of the said extent, Sri. Linganna alienated an extent of 38 guntas in favor of Sri. Narayanappa under a sale deed dated 26.04.1995. Despite the said alienation, resumption proceedings came to be initiated only in 2012.

There is, therefore, considerable delay and laches in initiating the resumption proceedings, the same having been commenced nearly 17 years after the alienation. The



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delay assumes significance particularly in the facts and circumstances of the present case.

Further, the records reveal that the family of the grantee themselves filed a memo seeking withdrawal of the claim. Taking note of the said memo, the Assistant Commissioner closed the proceedings. However, subsequently, on the purported intervention or instance of a third party, the Assistant Commissioner proceeded to restore the proceedings and thereafter allowed the claim of the grantee. The said order was subsequently confirmed by the Deputy Commissioner.

In the considered view of this Court, the action of the Assistant Commissioner in restoring the proceedings and the subsequent order passed by the Deputy Commissioner cannot be sustained in law for more than one reason.

Firstly, the property had already been alienated in 1995, whereas the resumption proceedings were initiated only in 2012, after a lapse of nearly 17 years. The



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proceedings were, therefore, initiated after considerable delay and laches.

Secondly, the very family of the grantee had filed a memo seeking withdrawal of the claim, pursuant to which the proceedings were closed. Once the claim had been withdrawn and the proceedings had been closed, the restoration of the proceedings at the instance of a third party, without there being any legally sustainable basis for such restoration, cannot be upheld.

It is also relevant to note that Sri. Linganna, the original grantee, was himself a party to the sale deed executed in favor of Sri. Narayanappa. Having himself executed the sale transaction, the subsequent initiation of resumption proceedings in respect of the very same property is not legally sustainable.

The Division Bench clarified that laches should be regarded as the primary requirement when resuming



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lands. It also held that if restoration action is filed after a significant delay, it could be barred by laches.

6. For all these reasons, the orders passed by the Assistant Commissioner and the Deputy Commissioner are liable to be interfered with. 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 28.07.2021 passed by the Assistant Commissioner vide Annexure-E, and the order dated 15.11.2023 passed by the Deputy Commissioner vide Annexure-G 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***.



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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.: 12