



CNR: KAHC010618172025

NC: 2026:KHC:55420
WP No. 28817 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.28817 OF 2025 (SC/ST)

BETWEEN:

1. MUNIVENKATABOVI
S/O LATE VENKATARAMABOVI,
AGE ABOUT 71 YEARS,
RESIDING AT SATHYGALA VILLAGE,
KASABA HOBLI, PERIYAPATNA TALUK,
MYSURU DISTRICT-571 107.

...PETITIONER

(BY SRI. RAGHAVA, ADVOCATE FOR
SRI. MANIRAJU, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY,
REVENUE DEPARTMENT,
M S BUILDING, BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER
MYSURU DISTRICT
MYSURU-570 011.
3. THE ASSISTANT COMMISSIONER
HUNSURU SUB-DIVISION
HUNSURU TALUK
MYSURU DISTRICT-571 105.
4. THE TAHASILDAR
PERIYAPATNA TALUK
MYSURU DISTRICT-571 107.

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



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5. MUNIRAMAIAH
S/O VENKATARAMABOVI
AGE ABOUT 55 YEARS
R/AT NO.230/1,
LAKSHMANMURTHY NAGARA,
RAMAMURTHY NAGARA MAIN ROAD,
BENGALURU-560 016.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA., FOR R.1 TO R.4;
SRI. KRISHNA RAO, M., ADVOCATE FOR R.5;
R.6: SERVED AND 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.Raghava., counsel on behalf of Sri.Maniraju., for the
petitioner; Smt.Savithramma., Additional Government
Advocate for respondent Nos. 1 to 4, and Sri.Krishna Rao.M.,
counsel for respondent No.5 appeared in person.

Counsel for the petitioner submits that the petitioner is
not pressing prayer No.(c).

The oral submission about non pressing of prayer No.(c)
placed on record.



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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. 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.

Counsel for respondent No.5 submits that the alienation of the subject lands was in violation of the provisions of the PTCL Act and, therefore, the order of resumption is justified. He submits that a detailed statement of objections has been filed and may be taken on record. It is contended that, though mutation entries were effected in favour of the subsequent purchasers pursuant to the alleged alienation, the original grantees were not afforded an opportunity of hearing. The Assistant Commissioner and Deputy Commissioner, upon consideration of the material on record, rightly held that the sale deeds were in violation of the PTCL Act and consequently ordered resumption of the lands. It is further submitted that the subsequent purchasers have been in possession and



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enjoyment of the lands and that the original grantees are entitled to compensation of Rs.8 Crores. On these and other grounds, respondent No.5 seeks dismissal of the writ petition as being devoid of merit.

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.1/43, new Sy.No.1, spans 4 acres. It was granted to Mr.Venkatarama Bovi, in 1956. Later, the subject land was sold in 1979 to an extent of 20 guntas through a registered sale deed.

Nearly 45 years after the sale, in 2024, 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 45-year delay in initiating these proceedings. They failed to consider the issue of laches or the



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petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 45 years, especially since the rights in the land were settled by the sale deed in 1979. 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 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.

The contention that the purchasers are in possession of the subject lands and that the original grantees are entitled to compensation of Rs.8 Crores cannot be accepted. The purchasers claim possession pursuant to registered sale deeds. Further, the question of entitlement to compensation and the quantum thereof involves disputed questions of fact, which



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cannot appropriately be adjudicated by the writ Court in exercise of its jurisdiction under Article 226 of the Constitution.

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.

7. The writ of certiorari is ordered. The order dated 10.03.2025 passed by the Assistant Commissioner vide Annexure-B, and the order dated 05.08.2025 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 subsequent purchaser'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**

MRP
List No.: 1 Sl No.: 59