



CNR: KAHC010627142026

NC: 2026:KHC:55425
WP No. 28404 of 2026

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.28404 OF 2026 (SC/ST)

BETWEEN:

1. SRI R S PARAMESH
AGED ABOUT 67 YEARS
S/O SIDDEGOWDA,
R/AT RAYASAMUDRA VILLAGE,
SEELENERE HOBLI, K.R. PETE TALUK,
MANDYA DISTRICT-571 426.

...PETITIONER

(BY SRI. PRAJWAL RAJ H.D., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING,
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER,
MANDYA DISTRICT,
MANDYA-571 401.
3. THE ASSISTANT COMMISSIONER,
PANDAVAPURA SUB-DIVISION,
PANDAVAPURA,
MANDYA DISTRICT-571 434.
4. THE TAHSILDAR,
K.R. PETE TALUK,
MANDYA DISTRICT-571 426.

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



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5. SMT. MAHADEVAMMA,
AGED ABOUT 67 YEARS,
W/O LATE NINGAIAH,
6. SRI. CHALUVARAJU,
AGED ABOUT 45 YEARS,
S/O LATE NINGAIAH,
7. SRI. NARASIMHA,
AGED ABOUT 43 YEARS,
S/O LATE NINGAIAH
8. SMT. PUSHPA,
AGED ABOUT 49 YEARS,
D/O LATE NINGAIAH,
9. SRI. VAIRAMUDI,
AGED ABOUT 39 YEARS,
S/O LATE NINGAIAH,

RESPONDENT NOS.5 TO 9 ARE
RESIDING AT HARIHARAPURA VILLAGE,
KASABA HOBLI, K.R. PETE TALUK,
MANDYA DISTRICT-571 426.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA., FOR R.1 TO R.4;
SRI SIDDAPPAJI, ADVOCATE FOR
SRI. A.YOGASREE, ADVOCATE FOR R.5 TO R.9.)

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.Prajwal Raj.H.D., counsel for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 4, and Sri.Siddappaji., counsel on behalf of A.Yogasree for respondent Nos.5 to 9 appeared in person.

2. The petition is filed seeking a writ of certiorari to quash the orders passed by the Deputy Commissioner. This order is 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 appearing for respondent Nos.5 to 9 submits that the alienation of the subject land was in violation of the provisions of the PTCL Act and, therefore, the order of resumption is justified. It is contended that the land was originally granted in favor of persons belonging to the Scheduled Caste and that prior permission of the Government was mandatory for its alienation. Since no such permission was obtained before execution of the sale deed, the subsequent



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alienation is contrary to the provisions of the PTCL Act. Referring to the statement of objections and the other grounds urged, counsel submits that the writ petition is devoid of merit and accordingly seeks its dismissal.

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

5. This issue is limited to resumption proceedings. The land in question was granted to original grantee, in 1979. Later, the subject land was sold in 2010 through a registered sale deed by the original grantee along with his family members.

Nearly 14 years after the sale, in 2024, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner rejected the claim. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who set aside the order of the Assistant Commissioner and approved the petition and ordered the land to be resumed. The Assistant Commissioner is justified in rejecting the petition. However, the Deputy Commissioner overlooked the nearly 14-year delay in



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initiating this proceedings. He failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authority should have evaluated whether to proceed after nearly 14 years, especially since the rights in the land were settled by the sale deed in 2010. 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.

Furthermore, the grantee himself along with family members has sold the property and initiated the resumption proceedings. In view of the law laid down by the Hon'ble Apex Court in the *Seethamma* case, he could not have instituted proceedings under the provisions of the PTCL Act.



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In the facts and circumstances of the case, this Court is of the considered view that the order passed by the Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained. Accordingly, the impugned order is liable to be set aside.

6. For the foregoing reasons, the order of the Deputy Commissioner is liable to be set aside.

7. The writ of certiorari is ordered. The order dated 18.08.2026 passed by the Deputy Commissioner vide Annexure-D is quashed. As this Court has quashed the order, 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 SI No.: 70