



CNR: KAHC010627782025

NC: 2026:KHC:53764
WP No. 29201 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 29201 OF 2025 (SC/ST)

BETWEEN:

SRI. V. NAGARAJA
S/O LATE. VENKATAPPA
AGE ABOUT 54 YEARS,
R/AT: THORANAHALLI VILLAGE,
KASABA HOBLI, MALUR TALUK,
KOLAR DISTRICT - 563 130.

...PETITIONER

(BY SRI. MUNIRAJA M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT,
M.S. BUILDING, 5TH FLOOR,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
REPRESENTED BY ITS SECRETARY
2. THE DEPUTY COMMISSIONER,
CHIKKABALLAPURA,
CHIKKABALLAPURA DISTRICT - 562 101.
3. THE ASSISTANT COMMISSIONER,
CHIKKABALLAPURA,
CHIKKABALLAPURA - 562 101.
4. SRI. NARAYANASWAMY
S/O LATE. A.D. MUNIYAPPA,
AGED ABOUT 44 YEARS.

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



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5. SRI. H.M. MUNIRAJAPPA
S/O LATE. A.D. MUNIYAPPA,
AGED ABOUT 56 YEARS.
6. SRI. H.M. NAGARAJA
S/O LATE. A.D. MUNIYAPPA,
AGED ABOUT 53 YEARS.
7. SRI. H.M. RAMANJI
S/O LATE. A.D. MUNIYAPPA,
AGED ABOUT 51 YEARS.
8. SMT. H.M. MANJULA
S/O LATE. A.D. MUNIYAPPA,
AGED ABOUT 48 YEARS.

RESPONDENTS NO.4 AND 8 ARE
R/AT: HOSAPETE VILLAGE,
JANGAMAKOTE HOBLI AND POST,
SIDLAGHATTA TALUK,
CHIKKABALLAPURA DISTRICT - 562 102.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SMT. SHILPA S GOGI, ADVOCATE FOR C/R4 TO R8)

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.Muniraja.M., counsel for the petitioner and Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 3 and Smt.Shilpa S.Gogi., counsel for respondents 4 to 8 appeared in person.

2. The petition is filed seeking a writ of certiorari to quash the order 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 for the petitioner in presenting his arguments submits that the subject land was regularised for unauthorised occupation. Hence, provisions of PTCL Act does not attract. Therefore, the order of the Deputy Commissioner is liable to be quashed.



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AGA and counsel for respondents 4 to 8 submits that as there was a violation of provisions of PTCL Act, the resumption is justified.

Counsel appearing for respondent Nos. 4 to 8 submits that a detailed statement of objections has been filed and the same may be taken on record. She contends that the Saguvali Chit contains a condition prohibiting alienation of the subject land for a period of 15 years, which, according to her, clearly indicates that the original grantee did not possess an unrestricted right of alienation from the inception of the grant. It is further contended that the effect and legal consequence of the said condition, as well as the applicability of the provisions of the PTCL Act, are matters that require determination by the competent statutory authority upon examination of the original grant records.

It is vehemently contended that, upon the death of the original grantee, his wife and children succeeded to the subject property and are entitled to the statutory rights accruing to them in respect thereof, which rights are



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required to be protected in accordance with law. Placing reliance upon the decisions cited and urging additional grounds, counsel submits that the petition is devoid of merit and accordingly prays that the same be dismissed.

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

5. The issue involved in the present proceedings is confined to the legality of the resumption proceedings. The subject land was initially in the unauthorized occupation of Mr.A.D.Muniyappa, which occupation was subsequently regularized in the year 1978. Thereafter, the subject land was conveyed under a registered sale deed in the year 2007.

Subsequent to the said sale, resumption proceedings were initiated before the Assistant Commissioner in 2008. Upon consideration of the material on record, the Assistant Commissioner found that there was no violation of the provisions of the PTCL Act and accordingly dismissed the petition. Aggrieved by the said order, an appeal was



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preferred before the Deputy Commissioner. The Deputy Commissioner, however, set aside the order passed by the Assistant Commissioner and remanded the matter for fresh consideration.

The Deputy Commissioner ought to have dismissed the appeal. In the present case, the subject land, which was initially under unauthorized occupation, was subsequently duly regularized. Once the unauthorized occupation of the land had been regularized, the provisions of the PTCL Act would not be attracted to the subject land. The Assistant Commissioner, after considering and extensively referring to the material available on record, had rightly dismissed the claim.

In view of the aforesaid facts and circumstances of the case, this Court is of the considered view that the order passed by the Deputy Commissioner setting aside the order of the Assistant Commissioner and remanding the matter for fresh consideration cannot be legally sustained.



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

7. The writ of certiorari is ordered. The order dated 21.07.2025 passed by the Deputy Commissioner vide Annexure-A 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 Sl No.: 84