



CNR: KAHC010637042025

NC: 2026:KHC:50150
WP No. 29411 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 29411 OF 2025 (SC/ST)

BETWEEN:

SMT. GIRIJAMMA,
AGED ABOUT 76 YEARS,
W/O. SRI. K.Y.RAMASWAMY,
RESIDENT OF 1ST CROSS,
1ST MAIN ROAD, KURUBARAPET,
KOLAR-563 101.

...PETITIONER

(BY SRI. RAGHAVENDRA K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY THE CHIEF SECRETARY,
VIDHANASOUDHA,
DR. B.R.AMBEDKAR ROAD,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,
KOLAR-563 101.
3. THE ASSISTANT COMMISSIONER,
KOLAR SUB-DIVISION,
KOLAR DISTRICT,
KOLAR-563 101.
4. THE TAHSILDAR,
KOLAR SUB-DIVISION,
KOLAR DISTRICT,
KOLAR-563 101.



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5. SRI. C.MUNIRAJAPPA,
AGED ABOUT 58 YEARS,
S/O. LATE CHOWDAPPA,
KARENEHALLI GRAMA,
VEMAGAL HOBLI,
KOLAR TALUK - 563 157.

...RESPONDENTS

(BY SRI. YOGESH D.NAIK, AGA FOR R1 TO R4;
SRI. S.B.SURESH, ADVOCATE FOR R5 - (ABSENT))

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. Raghavendra K., counsel for the petitioner, and Sri.
Yogesh D. Naik, Additional Government Advocate for
respondent Nos. 1 to 4, appeared in person.

There is no representation on behalf of respondent No.5,
either personally or through video conferencing. The petition
was listed on 08.09.2026, and on that day also there was no
representation on behalf of respondent No.5. Hence, for
appearance it was ordered to be listed today. It was also made



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clear that if none appears for respondent No.5 on the next date of hearing, the Court will proceed to pass orders on the merits of the case. Hence, this Court deems it appropriate to pass orders on the merits of the case.

2. The petition is filed seeking a writ of certiorari to quash the order dated 12.12.2024 passed by the Assistant Commissioner vide Annexure-C, and the order dated 16.09.2025 passed by the Deputy Commissioner vide Annexure-D. 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 Court heard the arguments and carefully perused the papers.

4. This issue is limited to resumption proceedings. The land in question, Sy.No.48, spans 1 acre 21 guntas in Karenahalli Village, Vemagal Hobli, Kolar Taluk, Kolar District. It was granted to Mr. Chowdappa, the father of the fifth respondent, in 1977. Later, the grantee and his family sold the



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property to the petitioner through a registered sale deed dated 24.10.2001.

Nearly 23 years after the sale, in 2024, the Lrs. of Mr. Chowdappa initiated proceedings under Section 5 of the Act before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, the petitioner appealed to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 23-year 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 23 years, especially since the rights in the land were settled by the sale deed dated 24.10.2001. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.



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The Division Bench in W.A.No.1035/2025 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.

5. For the foregoing reasons, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be set aside.

6. The writ of certiorari is ordered. The order dated 12.12.2024 passed by the Assistant Commissioner vide Annexure-C, and the order dated 16.09.2025 passed by the Deputy Commissioner vide Annexure-D are quashed.

7. 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.: 60