



CNR: KAHC010640352023

NC: 2026:KHC:54004
WP No. 27960 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. 27960 OF 2023 (SC/ST)

BETWEEN:

1. SMT. MUNIYAMMA
W/O. LATE MUNIYAPPA,
D/O. LATE MUNIVENKATAMMA @
DODDA AKKAMMA,
MAJOR IN AGE,
2. SRI. C. M. VENKATESH
S/O. LATE MUNIYAPPA,
MAJOR IN AGE,

BOTH ARE R/AT CHANDRAHALLI
VILLAGE AND POST,
AMBAJIDURGA HOBLI,
CHINTAMANI TALUK.

...PETITIONERS

Digitally signed by
PREMCHANDRA M R (BY SRI. RAVISHANKAR S., ADVOCATE)
Location: HIGH
COURT OF
KARNATAKA

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M.S. BUILDING,
DR. AMBEDKAR VEEDI,
BENGALURU-560 001,
REP. BY ITS SECRETARY.
2. THE DEPUTY COMMISSIONER
CHIKKABALLAPUR,
CHIKKABALLAPUR DISTRICT-562103.



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3. THE ASSISTANT COMMISSIONER
CHIKKABALLAPUR SUB-DIVISION,
CHIKKABALLAPUR DISTRICT-562103.
4. SRI. L. Y. NARASIMHAREDDY
S/O. YERRAPPAREDDY,
AGED ABOUT 56 YEARS,
R/AT LAKSHMIDEVIKOTE VILLAGE,
CHANDRAHALLI POST,
AMBAJIDURGA HOBLI,
CHINTAMANI TALUK-563125.
5. SRI. M.MARAPPA,
S/O. MUNINARAPPA,
MAJOR IN AGE
R/AT LAKSHMIDEVI KOTE VILLAGE,
AMBAJIDURGA HOBLI,
CHINTAMANI TALUK-563125.
6. SMT. RAMADEVI,
W/O. MUNIRAJU,
D/O. MUNIVENKATAPPA,
MAJOR IN AGE,
R/AT KARIYAPPALLI VILLAGE,
CHINTAMANI TALUK-563125.
7. SRI. MUNIYAPPA,
S/O. LATE MUNIVENKATAPPA,
MAJOR IN AGE,
R/AT LAKSHMIDEVI KOTE VILLAGE,
AMBAJIDURGA HOBLI,
CHINTAMANI TALUK-563125
8. SRI. VENKATARAYAPPA,
S/O. LATE MUNIVENKATAPPA,
MAJOR IN AGE,
R/AT NAYINDRAHALI COLONY,
PERUMACHANAHALLI POST,
CHINTAMANI TALUK-563125.



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9. SMT. NARAYANAMMA,
W/O. MARAPPA,
D/O. MUNIVENKATAPPA,
MAJOR IN AGE,
10. SRI VENKATESH,
S/O. LATE MARAPPA,
MAJOR IN AGE,

RESPONDENTS NO.9 AND 10 ARE
R/AT LAKSHMIDEVIKOTE VILLAGE,
CHANDRAHALLI POST,
AMBAJIDURGA HOBLI,
CHINTAMANI TALUK.

...RESPONDENTS

(BY SMT. SAVITHRAMM, AGA FOR R1 TO R3;
SRI. G.V.SUDHAKAR, ADVOCATE FOR R4;
R6 AND R8 ARE 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 ORDERS, THIS DAY,
AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Ravishankar S., counsel for the petitioners,
Smt.Savithramma, Additional Government Advocate for
respondent Nos.1 to 3 and Sri.G.V.Sudhakar, counsel for
respondent No.4 appeared in person.



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A perusal of the order sheet of the Deputy Commissioner reflects that respondent No.4 is the only party before the Deputy Commissioner. Respondent Nos.5 to 10 are not parties before the Deputy Commissioner. Hence, they are not necessary parties before this Court.

As respondent No.4 is represented by counsel, hence, the Court proceeds to pass orders on the merits of the case.

There is no need to await service of notice in respect of 5 and 7 and to furnish process fee for issuance of notice to respondent Nos.9 and 10.

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.



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Counsel appearing for the petitioners, in the course of his submissions, drew the attention of this Court to the decision of the Hon'ble Supreme Court in *Satyan v. Deputy Commissioner and Others*, reported in (2020) 14 SCC 210, and contended that there is no delay or laches on the part of the family of the original grantee in initiating the resumption proceedings. He submitted that respondent No.5 alone had alienated the subject property in the year 2003 and that the resumption proceedings were initiated in the year 2012. It is therefore contended that the delay of the intervening period cannot be attributed to the family of the grantee and that the proceedings are not vitiated by delay or laches. Urging additional grounds, counsel submits that the Assistant Commissioner and the Deputy Commissioner were not justified in rejecting the claim. Accordingly, he prays that the writ petition be allowed.

The Additional Government Advocate submits that appropriate orders may be passed in accordance with law.



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Counsel appearing for respondent No.4, on the other hand, justified the orders passed by the Assistant Commissioner and the Deputy Commissioner. He contended that the petitioners have no locus standi to maintain the present proceedings. It is further submitted that the contention of the petitioners that the subject land is joint family property and that they have a share therein cannot be sustained. On these grounds, counsel submits that the writ petition is devoid of merit and is liable to be dismissed. Counsel placed reliance on the decisions:

(i) 'SRI.V.NAGARAJA VS. THE STATE OF KARNATAKA AND ORS', W.P.NO.25008/2025.

(ii) 'ERAPPA VS. ASSISTANT COMMISSIONER AND ORS', W.A.NO.100265/2023.

(iii) 'THIPPAIAH VS. THE SPECIAL DEPUTY COMMISSIONER AND ORS', W.P.NO.24438/2009.



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***(iv) 'VENKATASWAMY AND ORS. VS. THE
SPECIAL DEPUTY COMMISSIONER AND ORS.',
W.A.NO.22/2023.***

***(v) 'SMT.MADAMMA & ORS. VS. THE DEPUTY
COMMISSIONER AND ORS.', W.A.NO.805/2023.***

***(vi) SRI.NAGARAJU V/S. SRI.N.H.BHASKAR
REDDY AND OTHERS, W.P.No.7183/2014.***

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

5. The issue involved in the present proceedings lies within a narrow compass and pertains to the resumption proceedings initiated by the family of the original grantee. Suffice it to note that the subject land was originally granted to one Sri. A.K. Maraga in the year 1959. Respondent No.5 alienated the subject property in favor of respondent No.4 under a registered sale deed in the year 2003. Thus, it is evident that one of the members of the family of the original grantee had dealt with the



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subject property by executing a registered sale deed in favor of respondent No.4. The resumption proceedings were initiated only in the year 2012, after a lapse of nine years from the date of alienation. Furthermore, the sale deed was executed by one of the members of the grantee's family. Therefore, the applicants cannot legitimately plead ignorance of the said alienation or contend that they were unaware of the execution of the sale deed.

In view of the law laid down by the Hon'ble Apex Court in *Seethamma's case*, where a person himself is a party to the sale deed, he cannot subsequently initiate proceedings under the provisions of the PTCL Act alleging violation of the very same provisions in respect of such alienation. In the present case, Sri. Krishna, having himself executed the sale deed in favor of the petitioner, could not have subsequently invoked the provisions of the PTCL Act to seek resumption of the subject land.



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The Division Bench has held that delay and laches constitute a significant consideration in proceedings seeking resumption of granted lands. It has further held that where proceedings for restoration of the land are initiated after an inordinate or unexplained delay, the claim may be defeated on the ground of delay and laches.

6. In view of the aforesaid circumstances, the Assistant Commissioner and the Deputy Commissioner were justified in rejecting the claim for resumption. This Court finds no sufficient ground to interfere with the orders passed by the Assistant Commissioner and the Deputy Commissioner. The writ petition, being devoid of merit, is accordingly ***dismissed***.

Counsel for the respective parties placed reliance on the decisions referred to supra. But I do not think that the law is in doubt. Each decision turns on its own facts. The present case is also tested in the light of the aforesaid decisions.



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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.: 13