



CNR: KAHC010657342025

NC: 2026:KHC:50145
WP No. 30199 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. 30199 OF 2025 (SC/ST)

BETWEEN:

SRI. MANJUNATHA,
S/O. LATE MARIYAPPA,
AGED ABOUT 46 YEARS,
R/AT VENKATAPURA VILLAGE,
CHELURU HOBLI, CHELURU/BAGEPALLI TALUK,
CHICKABALLAPUR DISTRICT-562101.

...PETITIONER

(BY SRI. RAVINDRA V.REDDY, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
DISTRICT COLLECTOR COURT,
CHICKBALLAPUR DISTRICT,
CHICKBALLAPUR-562101.
2. THE ASSISTANT COMMISSIONER,
CHICKABALLAPUR SUB-DIVISION,
CHICKABALLAPUR DISTRICT
CHICKBALLAPUR-562101.
3. SRI. VENKATARAVANA,
S/O. LATE KADIRAPPA,
R/AT VENKATAPURA VILLAGE,
CHELURU HOBLI, CHELURU TALUK,
CHICKBALLAPUR DISTRICT-562101.

...RESPONDENTS

(BY SMT. SPOORTHY V.HCGP FOR R1 AND R2;
SMT. V.BHAGEERATHI, ADVOCATE FOR C/R3)



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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. Ravindra V. Reddy, counsel for the petitioner; Smt. Spoorthi. V., HCGP for respondents 1 and 2; and Smt. V. Bhageerathi, counsel for caveator/respondent No. 3, appeared in person.

2. The key facts are these:

The old Sy. No. 91/1 and the new Sy. No. 342 are situated in Venkatapura Village, Chellur Hobli, Bagepalli Taluk. The said land was granted in favor of one Mr Venkatarayappa Bin Kadirappa on 08.03.1949 for 4 acres. He sold the said property in favor of the father of the petitioner, Mr. Mariyappa, on 20.05.1974.

As the matter stood, an application under Section 5 for resumption of the land was filed before the Assistant



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Commissioner in 2016. The Assistant Commissioner, vide order dated 14.11.2024, allowed the claim. Against that order, an appeal was preferred, and the Deputy Commissioner, vide order dated 22.09.2025, confirmed the order of the Assistant Commissioner. Under these circumstances, the petitioner is before this Court.

3. Counsel for the respective parties advanced several contentions.

Counsel for the petitioner, in presenting his argument strenuously, urged that there is laches on the part of the grantee in moving an application for resumption.

Conversely, respondent No.3's counsel argued that the land was given as a Muft Grant to the grantee, considering his poverty. She stated that the Government authorised the grant based on this. She also argued that the Assistant and Deputy Commissioners, after reviewing the record and noticing a violation of the Act, correctly approved the claim. Additionally, she contended that the petition lacks merit and should be dismissed.



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4. Heard the arguments and carefully perused the papers.

5. The issue falls within a narrow compass and concerns the application for resumption of the land.

6. It is sufficient to note that a sale took place in 1974. After nearly 42 years, in 2016, proceedings under Section 5 of the Act were initiated before the Assistant Commissioner, seeking land resumption. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, an appeal was filed with the Deputy Commissioner, who upheld the original decision. However, both Commissioners overlooked the considerable delay of nearly 42 years in commencing these proceedings and failed to address the issue of laches or the petitioner's argument that the delay was unreasonable.

The authorities should have evaluated whether to proceed after nearly 42 years, especially since the rights in the land were settled by the sale deed dated 20.05.1974. The oversight in considering the laches led to orders for land resumption



being issued without adequately addressing a crucial and relevant issue.

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.

Considering the facts and circumstances of the case, this Court is of the view that the orders of the Assistant Commissioner, upheld by the Deputy Commissioner, are legally invalid. Therefore, these orders should be revoked.

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

8. The writ of certiorari is ordered. The order dated 22.09.2025 passed by the Deputy Commissioner vide Annexure-F and the order dated 14.11.2024 passed by the Assistant Commissioner vide Annexure-E are quashed.

9. 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.: 34