



CNR: KAHC010670062025

NC: 2026:KHC:51887
WP No. 31116 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 31116 OF 2025 (SC/ST)

BETWEEN:

1. S.NAGARAJ,
S/O. LATE B.M.SUBBARAYAPPA,
AGED ABOUT 54 YEARS,
2. S.NAGARATHNA,
W/O. K.R.VENKATARAVANA,
AGED ABOUT 70 YEARS,

BOTH ARE RESIDING AT
NO.17, 9TH CROSS, 1ST MAIN,
MOOKAMBIKA LAYOUT, MYLASANDRA,
KENGARI, BENGALURU - 560059.

...PETITIONERS

(BY SRI. RAHUL S. REDDY, ADVOCATE)

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

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,
KOLAR - 563 130.
3. THE ASSISTANT COMMISSIONER,
KOLAR SUB-DIVISION,
KOLAR - 563 130.



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4. THE TAHSILDHAR,
KOLAR TALUK,
KOLAR - 563 130.
5. RAMAPPA,
S/O. LATE VENKATARAMAPPA,
AGED MAJOR,
R/A GANDHINAGAR,
KOLAR - 563 130.
6. ABDUL KHADAR,
S/O. ABDUL KHAN,
AGED MAJOR,
7. ANJUM KHAN,
S/O. ABDUL KHAN,
AGED MAJOR,
8. GHOUSE KHAN,
S/O. ABDUL KHAN,
AGED MAJOR,
9. AKRAM KHAN,
S/O. ABDUL KHAN,
AGED MAJOR,
10. SYED ULLA KHAN,
S/O. USMAIN KHAN,
AGED MAJOR,

RESPONDENTS NO.6 TO 10 ARE
RESIDING AT NEAR B.M.S. SCHOOL,
NEAR D.C.C. BANK,
KOLAR - 563 130.

11. NARAYANA SWAMY,
S/O. VENKATARAJ,
AGED MAJOR,
R/AT GULLPET,
KOLAR - 563 130.

...RESPONDENTS



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(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
VIDE COURT ORDER DATED 15.09.2026,
NOTICE TO R5 IS HELD SUFFICIENT;
VIDE COURT ORDER DATED 30.07.2026,
NOTICE TO R6 TO R11 IS DISPENSED WITH)

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.Rahul S.Reddy., counsel for the petitioners and
Smt.Savithramma., Additional Government Advocate for
respondent Nos. 1 to 4 appeared in person.

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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AGA submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, she submit that the petition lacks merit and the same may be dismissed.

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

5. This issue is limited to resumption proceedings. The land in question, Sy.No.11, new Sy.No.117, spans 2 acres 04 guntas in Beeramandahalli Village, Kasaba Hobli, Kolar Taluk. It was granted to Gangamma, in 1934. Later, the land in question was sold in 1969 through a registered sale deed. Thereafter several transactions have been taken place and the first petitioner has purchased the property in 2012.

Nearly 37 years after the sale, in 2006, the Lrs. of original grantee initiated proceedings under Section 5 of the Act before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner



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approved the petition and ordered the land to be resumed. Dissatisfied, the first petitioner appealed to the Deputy Commissioner, who remanded the matter. After remand, the Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, the an appeal was preferred before the Deputy Commissioner, who upheld the order of the Assistant Commissioner. However, both the Assistant and Deputy Commissioners overlooked the nearly 37-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 37 years, especially since the rights in the land were settled by the sale deed in 1969. 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 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.

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

7. The writ of certiorari is ordered. The order dated 06.02.2025 passed by the Assistant Commissioner vide Annexure-E, and the order dated 23.09.2025 passed by the Deputy Commissioner vide Annexure-F are quashed. As this Court has quashed the orders, the



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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.: 77