



CNR: KAHC010687432024

NC: 2026:KHC:50887
WP No. 32044 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 32044 OF 2024 (SC/ST)

BETWEEN:

SMT. MUNIRATHNAMMA,
W/O. S.M.THIMMAYYA.,
AGED ABOUT 66 YEARS,
R/AT NO.553, KUVEMPU ROAD,
UDAYANAGARA, BENGALURU NORTH,
BENGALURU-560016.

...PETITIONER

(BY SRI. SRIKANTH N.V., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT,
BENGALURU-560002.
2. THE ASSISTANT COMMISSIONER,
BENGALURU SOUTH SUB-DIVISION,
KANDAYA BHAVAN, K.R.ROAD,
BENGALURU-560002.
3. SRI. NARAYANAPPA,
S/O. SIDDANNA YELLAGA ALIAS YELLAPPA
AGED ABOUT 62 YEARS,
R/AT BIDARAGERE VILLAGE
KASABA HOBLI, ANEKAL TALUK,
BENGALURU RURAL DISTRICT-562106

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. RAMESH S., ADVOCATE FOR R3)



CNR: KAHC010687432024

NC: 2026:KHC:50887
WP No. 32044 of 2024

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 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.Srikanth.N.V., counsel for the petitioner; Smt.Savithramma, Additional Government Advocate for respondents Nos. 1 to 2; and Sri.Ramesh.S., counsel for respondent No.3, 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.

AGA and counsel for respondent No.3 justified the Deputy Commissioner's order, arguing that due to a violation, the Deputy Commissioner was justified in ordering the land to be



CNR: KAHC010687432024

resumed. They also requested dismissal of the petition, citing additional grounds.

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

5. This issue pertains specifically to resumption proceedings. The land, Sy.No.27, covers 1 acre in Bidanagere Village, Kasaba Hobli, Anekal Taluk, Bengaluru Urban District. It was granted to Mr. Siddanna Yellaga @ Yellappa in 1956. Subsequently, the legal heirs of the grantee sold the property to the petitioner via a registered sale deed dated 16.09.2000.

In 2008, nearly eight years after the sale, the legal representatives of the grantee filed a case under Section 5 of the Act with the Assistant Commissioner to request land resumption. The Assistant Commissioner dropped the proceedings. Unhappy with this decision, the legal representatives appealed to the Deputy Commissioner, who reversed the Assistant Commissioner's ruling. The Deputy Commissioner failed to consider the significant delay of almost eight years before initiating the proceedings. He did not



CNR: KAHC010687432024

**NC: 2026:KHC:50887
WP No. 32044 of 2024**

address the issue of laches or the petitioner's argument that the delay was unreasonable.

The Deputy Commissioner should have evaluated whether to proceed after nearly 08 years, especially since the rights in the land were settled by the sale deed in 2000. The oversight in considering the delay and laches led to the order 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.

In the facts and circumstances of the case, this Court is of the considered view that the order by the Deputy Commissioner, directing resumption of the subject land, cannot be sustained in law. Accordingly, the impugned order is liable to be set aside.

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



CNR: KAHC010687432024

NC: 2026:KHC:50887
WP No. 32044 of 2024

7. The writ of certiorari is ordered. The order dated 24.09.2024 passed by the Deputy Commissioner vide Annexure-A are quashed.

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.: 2 Sl No.: 31