



CNR: KAHC010690472024

NC: 2026:KHC:50885
WP No. 33748 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. 33748 OF 2024 (SC/ST)

BETWEEN:

MR. D.K.MOHAN
S/O. D.K.KRISHNAPPA
AGED ABOUT 62 YEARS
R/OF DEVASANDRA,
K.R.PURAM, BENGALURU- 560036.

...PETITIONER

(BY SRI. PRASANNA KUMAR C.S., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
DEPARTMENT OF REVENUE,
M.S. BUILDING,
DEVARAJ URS ROAD,
BENGALURU-560001.
REPRESENTED BY ITS SECRETARY.
2. THE DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT,
KANDAYA BHAVAN,
BENGALURU- 560009.
3. THE ASSISTANT COMMISSIONER,
BENGALURU NORTH SUB-DIVISION,
KANDAYA BHAVAN,
BENGALURU- 560009.
4. MR. S.SURESH BABU,
S/O. NAGABHUSHANAIAH,
AGED ABOUT 72 YEARS,

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



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NO.59-1-18/1,
RAMACHANDRANAGAR,
VIJAYAVADA, A.P-520008.
ALSO, AT NO.268, 13TH CROSS ROAD,
HIG-RMV 2ND STAGE,
BENGALURU- 560094.

5. MRS. PADMA,
W/O. SURYANARAYANA RAJU,
AGED ABOUT 59 YEARS,
NO.268, 13TH CROSS ROAD,
HIG-RMV 2ND STAGE,
BENGALURU- 560094.
6. MRS. V.BHAVANI,
W/O. V.TAPOVARDHAN,
AGED ABOUT 64 YEARS,
NO.23, 1ST MAIN ROAD,
JAYAMAHAL EXTENSION,
BENGALURU- 560046.
7. MR. V.V. BHOOPAL,
S/O. V.M. TAGORE,
AGED ABOUT 82 YEARS,
NO.23, 1ST MAIN ROAD,
JAYAMAHAL EXTENSION,
BENGALURU-560046.
8. MRS. G.VIJAYALAKSHMI,
W/O. VENKATARAM,
AGED ABOUT 64 YEARS,
NO.23, 1ST MAIN ROAD,
JAYAMAHAL EXTENSION,
BENGALURU-560046.
9. MR. H.MANJESH,
S/O. HANUMANTHAPPA,
GRANDSON OF MUNIVENKATAMMA,
AGED ABOUT 41 YEARS,
NO.418/A, KONDAPPA LAYOUT,



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YELAHANKA,
BENGALURU- 560064.

10. MR. K.BADRI NARAYANA,
S/O. LATE K.M.KRISHNAPPA,
AGED ABOUT 47 YEARS,
R/AT. NO.82/17, 3RD CROSS ROAD,
2ND MAIN ROAD, BOVI PALYA,
MAHALAKSHMIPURAM,
BENGALURU -560086.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
VIDE COURT ORDER DATED 20.12.2024,
NOTICE TO R4 TO R8 IS DISPENSED WITH;
R9 SERVED AND UNREPRESENTED;
SRI. HALESHA R.G., ADVOCATE FOR R10 - 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 ORDERS, THIS DAY,
AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.C.S.Prasanna Kumar., counsel for the petitioner;
Smt. Savithramma., AGA for respondents 1 to 3 appeared in
person.

Notice to respondent No.9 was ordered. A perusal of the
office note depicts that respondent No.9 is served and
unrepresented. Respondent No.9 has neither engaged the



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services of an advocate nor conducted the case as a party 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 the writ petition on several grounds as set out in the memorandum of the writ petition.

3. The key facts are as follows:

The land in question is bearing Sy.No.54 (Old No.34) situated at Kodigehalli Village, Krishnarajapuram Hobli, Bangalore East Taluk. The extent of land is 3 acres 4 guntas, which was granted to one Smt. Munivenkatamma on 07.12.1978. The family members of the original grantee sold the said land on 05.02.1996. Thereafter, several transactions have taken place. Ultimately, the petitioner purchased the said property in 24.03.2005 under the registered Sale Deed for a valuable consideration and he has formed the layout.

As things stood thus, resumption proceedings were initiated by the family of the grantee in the year 2012. The Assistant Commissioner vide order dated 12.09.2014 rejected



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the case. Against the said order, an appeal was preferred and the Deputy Commissioner vide order dated 30.08.2024 to set aside the order of the Assistant Commissioner. Under these circumstances, the petitioners are before this Court and have filed the present petition on several grounds as outlined in the memorandum of the writ petition.

4. Counsel appearing for the respective parties urged several contentions.

Counsel, Sri. C.S. Prasanna Kumar for the petitioner contends that the petitioner is the purchaser and has purchased the property on 24.03.2005. He argued that the original sale transaction occurred in the year 1996. There is unreasonable delay of 16 years in initiating resumption proceedings. Counsel, therefore, submits that the order of the Deputy Commissioner is liable to be quashed.

AGA submits that as there was amendment to Section 5 of the PTCL Act, the Deputy Commissioner is justified in allowing the appeal. Urging additional grounds, she submits



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that the petition lacks merit and hence, the same may be dismissed.

5. Heard the arguments and perused the papers at utmost care.

6. The issue falls within a narrow compass and relates to the resumption proceedings initiated by the family of the grantee. It is undisputed that the land in question was granted to one Munivenkatamma and the same was sold in the year 1996. The proceedings for resumption were initiated in 2012 after a considerable delay of 16 years. It is not in dispute that the petitioner purchased the property on 24.03.2005. It is also undisputed that the original sale transaction took place in 1996. However, the proceedings for resumption were initiated in 2012. There is inordinate laches on the part of the grantee in moving resumption application. The Assistant Commissioner taking note of the laches, rightly rejected the claim. However, the Deputy Commissioner failed to have regard to the laches and erroneously, set aside the order of the Assistant Commissioner. This is untenable in law. The laches on the part of the family of the grantee in approaching the appropriate



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forum at well in time disqualifies them for claiming resumption of the lands.

The Three-Judge Bench in W.P.No.60483/2014 clarified that when land is diverted or converted, it no longer qualifies as 'granted land' under the PTCL Act. They also held that the permission under Section 4 (2) of the Act is not required for diverted land, since such permission is only necessary for 'granted land'. Once land is converted, it ceases to be considered 'granted land'.

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.



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

8. The writ of certiorari is ordered. The order dated 30.08.2024 passed by the Deputy Commissioner vide Annexure-A is quashed.

9. 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**

SJK
List No.: 2 Sl No.: 30.2