



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 1819 OF 2024 (SC-ST)

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
M.S. BUILDING
BENGALURU - 560 001
2. THE DEPUTY COMMISSIONER
MYSURU DISTRICT
MYSURU - 570 001
3. THE ASSISTANT COMMISSIONER
MYSURU SUB DIVISION
MYSURU - 570 001
4. THE TAHSILDAR
MYSURU TALUK
MYSURU - 570 001

...APPELLANTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE)

AND:

1. NANJUNDEGOWDA
S/O LATE MALIGE GOWDA

Digitally
signed by
AMBIKA H B
Location:
High Court
of Karnataka



AGED ABOUT 84 YEARS
R/AT I33, VINAYAMARGA
SIDDARTHA NAGAR
MYSURU - 570 011

2. SRI PUTTALINGAIAH
S/O LATE KALANINGA
MAJOR, R/AT NO. 397
LALITHADRIPURA
VARUNA HOBLI
MYSURU - 570 010
3. SRI R. SRIDHAR
S/O LATE RAMACHANDRA
AGED ABOUT 52 YEARS
R/AT NO. 2521
1ST MAIN ROAD
PAMPATHI ROAD
JAYANAGARA
MYSURU - 570 014

...RESPONDENTS

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THIS WRIT APPEAL AND SET ASIDE THE IMPUGNED ORDER DATED 29.01.2020, PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION No.24720/2017 (SC-ST) C/W WRIT PETITION No.25963/2017.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The State has filed the present intra-court appeal impugning an order dated 29.01.2020 passed by the learned Single Judge in Writ Petition No.24720/2017 (SC-ST) clubbed with Writ Petition No. 25963/2017.

2. There is an inordinate delay of 1025 days in filing the present appeal. The State has also filed an application seeking condonation of the delay, which is accompanied by an affidavit. The State has explained that the delay was due to the file being assigned to a caseworker who was deputed to the Mysuru Dasara 2022 work; therefore, the file could not be processed until the conclusion of Dasara on 04.10.2022. It is stated that thereafter, appellant No.2 - the Deputy Commissioner, Mysuru, had raised a question as to why the order of the learned Single Judge had not been challenged. The opinion of the legal advisor was sought and the legal advisor had furnished his opinion on 03.12.2022. Thereafter, the file was put up before the Deputy



Commissioner on 08.12.2022. The Deputy Commissioner did not take any immediate steps, but made a remark on the file to the effect that the matter needs to be discussed with the legal advisor. However, thereafter, no discussions took place in view of the special summary revision of electoral rolls and the general elections to the Legislative Assembly 2023. The Election Commission issued a notice dated 29.03.2023 to conduct general elections to the Legislative Assembly, in which the Deputy Commissioner was the District Election Officer for Mysuru District.

3. The election process was completed on 15.05.2023. Thereafter, the file was processed, and a letter was sent to the State Government (appellant) on 14.07.2023 seeking permission to file an appeal. It is stated that by a letter dated 08.08.2023, the Government sought certain clarifications. However, the case worker was deputed for the Dasara 2023 work, which has further delayed the processing of the file.

4. The office of the Deputy Commissioner once again addressed a letter to the Government on 08.05.2024 with suitable justification and clarification. Thereafter, on 21.09.2024 the



Government issued orders for filing an appeal and the present appeal was filed on 03.12.2024.

5. It is clear from the explanation furnished that it does not provide sufficient cause that prevented the appellant from preferring the appeal within the time. There is an unexplained delay from January 2020 till the deputation of the case worker for the Dasara 2022, which was held in October-November 2022. Plainly, the work assigned to the caseworker for the Dasara 2022 and Dasara 2023, has no relevance to the delay from January 2020 to 2022. The appellant states that the concerned Deputy Commissioner was assigned the duties of the General Elections in March 2023. However, there is no explanation for the delay between the conclusion of Dasara 2022 (in October 2022) and the General Assembly Elections, which were notified in March 2023.

6. Once the elections were over, the Deputy Commissioner found time to discuss and examine the clarification sought by the Government. According to the appellant, this provides sufficient explanation for the delay. However, there is no explanation of when the case worker was assigned to Dasara 2023 duties.



7. It is important to note that the appeal was not filed immediately after the 2023 Dasara festivities ended. The appeal was filed more than a year thereafter in December 2024. In view of the above, we find no ground to condone the inordinate delay of 1025 days in filing the present appeal.

8. We accordingly reject the application for condonation of delay in filing the present appeal. In view of the above, it is not necessary to examine the merits of the present appeal. However, we have examined the same and find no infirmity in the learned Single Judge's decision.

9. In the present case, the subject land measuring 2 acres falling in Survey No.28/39 situated at Lalithadripura Village, Mysuru Taluk was leased to one Sri Kalininga on 03.10.1959 under the Grow More Food Scheme and the *Saguvali* chit was issued on 18.12.1959.

10. Sri Kalininga sold the subject land to one Javanaiah by a registered sale deed dated 28.05.1973. Respondent Nos.1 and 3 had purchased one acre of the subject land each on 22.12.2004 from Sri Javanaiah and his children by way of registered sale



deeds. The entries were recorded in the *Khata* records according to the sale deed.

11. Appellant No.3 - the Assistant Commissioner initiated proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 [**PTCL Act**] in the year 2014, which is more than 41 years after the alienation of the subject land to Javanaiah. The Assistant Commissioner, by order dated 04.08.2014, ordered the restoration of the subject land.

12. The respondent filed an appeal against the said order before the Deputy Commissioner, which was dismissed by an order dated 09.05.2017. This led the respondent to file the writ petition, which was dismissed by the impugned order.

13. The learned Single Judge found that the Assistant Commissioner's delay in initiating *suo motu* proceedings was fatal to the said proceedings. It is well settled that even if no period of limitation is prescribed for doing any act, the act must be done within a reasonable period by the prescribed statutory authority as laid down by the Supreme Court in **State of Punjab and**



others vs. Bhatinda District Cooperative Milk Producers Union Ltd.: (2007) 11 SCC 363. Thus even though no period of limitation is prescribed under the PTCL Act, the proceedings under the said provisions must be initiated within a reasonable time.

14. The Supreme Court in **Nekkanti Rama Lakshmi vs. State of Karnataka and another: 2017 SCC OnLine SC 1862** had set aside the said petition wherein the delay was 25 years.

15. Section 5 of the PTCL Act was amended thereafter to provide that no limitation is prescribed under the PTCL Act. In **Smt. Gouramma alias Gangamma vs. Deputy Commissioner, Haveri: NC: 2024:KHC-D:10666-DB**, the Division Bench of this Court had considered the same and observed as under:

"3(d). The Amendment Act that is made applicable with retrospective effect is only a duplication of the existing legal position. Such duplication happened even in English legislative history, hardly needs to be mentioned. The question of delay is a matter of limitation which this statute is silent about. Clauses (c) and (d), now introduced to Section 5(1) of the Act, do not bring any change in the statutory scheme. At the most, they are declaratory of what the statute has been all through, so far as the limitation period is concerned. Nobody disputes that there was no limitation period earlier and there is no limitation period now too. Laches, which



would involve a host of factors, pertains to the Domain of Equity."

16. The Special Leave Petition preferred against the decision of this Court in **Smt.Gouramma** (*supra*), being SLP (C) Diary No.19020/2025, was dismissed by the Supreme Court by an order dated 09.05.2025, which reads as under:

"Delay condoned.

Heard learned counsel for the petitioner(s).

We see no merit in this case which calls for our interference, in exercise of our jurisdiction under Article 136 of the Constitution of India. The present petition is, accordingly, dismissed along with pending application(s), if any."

17. Similarly, in **Smt.M.Manjula and others vs. The Deputy Commissioner and others: NC:2024:KHC:51015-DB**, the Co-ordinate Bench of this Court, after considering the amendment to Section 5 of the PTCL Act and the decision in **Smt.Gouramma** (*supra*), held as under:

"5.2 Though the principles governing overlap, the delay and laches has the facet in equity. Delay is the genus to which the laches and acquiescence are species. The jurisprudential concepts of delay, laches and acquiescence have their own colour and connotation and conceptually often different from crossing the period of limitation prescribed in the statutory provision. Limitation binds the litigant in terms of initiating a legal action or filing any



proceedings. Laches concedes an element of culpability in allowing time to pass by in commencing the action in law.

6. In light of the above discussion and the position of law that would emerge, in the facts of the case, the restoration of the land cannot be permitted after 12 years. The question of laches would come into play. 12 years having been passed, it would be highly unreasonable, unjust and inequitable, as well as against law to grant any relief to the original grantee-the petitioner-appellant, permitting restoration of the land and to treat the transfer of the land taken place long back to be null and void."

18. The Special Leave Petition preferred against the decision of this Court in **Smt.M.Manjula** (*supra*), being SLP (C) No.8421/2025, was also dismissed by the Supreme Court by an order dated 01.04.2025, wherein the Supreme Court observed as under:

"Heard learned senior counsel for the petitioners.

We see absolutely no reason to interfere with the order of the High Court, in exercise of our jurisdiction under Article 136 of the Constitution of India.

The present petition is, accordingly, dismissed along with pending application(s), if any."

19. We may also note that the respondents had raised other issues as well. They had disputed that there was any restriction for non-alienation as the subject land was leased under the Grow More Food Scheme and was not a grant. However, it is not



necessary to examine the same as the learned Single Judge allowed the writ petition on the ground of delay in initiating the *suo motu* proceedings.

20. In view of the above, the present appeal is dismissed both on the ground of delay as well as on merits.

21. The pending interlocutory application also stands disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

AHB
List No.: 2 SI No.: 11