



CNR: KAHC010717332024

NC: 2026:KHC:54144
WP No. 35702 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 35702 OF 2024 (SC/ST)

BETWEEN:

SMT. BHARGAVI S.,
W/O K. RAJENDRA,
AGED ABOUT 44 YEARS,
R/AT KEMPAIAHNAPALYA VILLAGE,
BIDADI HOBLI, RAMANAGARA TALUK,
RAMANAGARA - 562 109.

...PETITIONER

(BY SRI. SHEKAR L. S., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
RAMANAGARA DISTRICT,
RAMANAGARA - 561 159.
2. THE ASSISTANT COMMISSIONER,
RAMANAGARA SUB-DIVISION,
RAMANAGARA - 561 159.
3. THE TAHASILDAR,
RAMANAGARA TALUK,
RAMANAGARA - 561 159.
4. SMT. NARASAMMA,
W/O LATE. NARASIMHAIAH,
AGED ABOUT 78 YEARS.
5. SRI. KRISHNAPPA
S/O LATE. NARASIMHAIAH,
AGED ABOUT 62 YEARS.



CNR: KAHC010717332024

NC: 2026:KHC:54144
WP No. 35702 of 2024

6. SRI. SAMPANGAIAH
S/O LATE. NARASIMHAIAH,
AGED ABOUT 52 YEARS.

RESPONDENTS NO.3 TO 6 ARE RESIDING
AT KEMPAIAHNAPALYA VILLAGE,
BIDADI HOBLI, RAMANAGARA TALUK,
RAMANAGARA - 562 109.

7. CHIKKABYRAPPA
S/O LATE. BYRAIAH,
AGED ABOUT 74 YEARS.
8. SMT. THIMMAMMA
W/O CHIKKABYRAPPA,
AGED ABOUT 62 YEARS.
9. NAGARAJU
S/O CHIKKABYRAPPA,
AGED ABOUT 45 YEARS.
10. SMT. GOWRAMMA
D/O CHIKKABYRAPPA,
AGED ABOUT 38 YEARS.
11. THAMMAIAH
S/O CHIKKABYRAPPA,
SINCE DEAD BY LR_s

(A) SMT. MUNILAKSHMAMMA
W/O LATE. THAMMAYYA,
AGED ABOUT 47 YEARS.

(B) SURESH T. M.,
S/O LATE. THAMMAYYA,
AGED ABOUT 20 YEARS.

BOTH R11(a) AND R11 (b) ARE
R/AT NO.15, MUDLAIHNADODDI,



CNR: KAHC010717332024

NC: 2026:KHC:54144
WP No. 35702 of 2024

KUNCHUGARANAHALI,
RAMANAGARA - 562 109.

(C) LAKSHMIDEVI
D/O. LATE THAMMAYYA
C/O. SHREEDHARA M.,
R/AT NO.102, THIGALARA COLONY,
MELEKOTE, KANAKAPURA TALUK,
RAMANAGARA-561117.

12. SMT. MUNILAKSHAMMA
W/O THAMMAIAH,
AGED ABOUT 34 YEARS.

13. BYRAJ
S/O THAMMAIAH,
AGED ABOUT 40 YEARS.

14. SMT. BHAGYAMMA
W/O BYRAJ,
AGED ABOUT 34 YEARS.

RESPONDENTS NO.7 TO 14 ARE
R/AT MUDLAYANADODDI VILLAGE,
KEMPAIAHANA DHAKLE,
BIDADI HOBLI, RAMANAGARA TALUK,
RAMANAGARA - 562 109.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. K. SURESH DESAI, ADVOCATE FOR R4 TO R6;
R9, R10, R11 (A TO C) SERVED AND UNREPRESENTED;
V/O DATED 10.08.2026, NOTICE TO R7, R8, R12 TO R14
ARE 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 ORDERS, THIS DAY,
AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri. Shekar L.S., counsel for the petitioner;
Smt.Savithramma., Additional Government Advocate for
respondent Nos. 1 to 3, and Sri.K.Suresh Desai, counsel
for respondent Nos.4 to 6 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.

Counsel for the petitioner, while presenting his
arguments, submits that the subject land was initially
under unauthorised occupation and that an Official
Memorandum dated 11.09.1978 was issued regularising



CNR: KAHC010717332024

NC: 2026:KHC:54144
WP No. 35702 of 2024

such occupation and possession. Therefore, the subsequent initiation of proceedings alleging violation of the provisions of the PTCL Act and seeking resumption of the land is wholly untenable in law. Counsel accordingly submits that the orders passed by the Assistant Commissioner and confirmed by the Deputy Commissioner are liable to be set aside.

Per contra, Additional Government Advocate submits that appropriate orders may be passed.

Counsel appearing for respondent Nos.4 to 6 seeks to justify the action taken by the Assistant Commissioner and the Deputy Commissioner. He submits that the Tahsildar, suo motu, initiated proceedings for resumption of the subject land. It is further contended that the question of delay and laches would not arise in the facts of the present case and that, in the absence of merit, the writ petition is liable to be dismissed.



CNR: KAHC010717332024

4. Heard the counsel for the parties and carefully perused the material on record.

5. It is not in dispute that the subject land was initially under unauthorised occupation and that the same was subsequently regularised pursuant to the Official Memorandum dated 11.09.1978, which has been produced along with the writ petition and marked as Annexure-A. A perusal of the said Official Memorandum makes it evident that although the possession of the land was initially unauthorised, the same stood regularised in 1978.

Thereafter, transactions in respect of the subject property took place in 2003. Despite the regularisation of the possession in 1978 and the subsequent alienation of the property in 2003, proceedings for resumption came to be initiated only in 2021–2022.

Thus, the resumption proceedings were initiated after an inordinate and unexplained lapse of several years from the date of the relevant transactions. The initiation of



CNR: KAHC010717332024

**NC: 2026:KHC:54144
WP No. 35702 of 2024**

proceedings in 2021-2022, particularly after the rights in the property had been dealt with through transactions several years earlier, requires to be examined in the backdrop of such considerable delay and laches.

The proceedings having been initiated after such an inordinate lapse of time, the Assistant Commissioner and the Deputy Commissioner ought to have considered the effect of the delay and laches before ordering resumption of the subject land. More importantly, the authorities have failed to properly consider the effect of the Official Memorandum dated 11.09.1978, by which the possession of the subject land had already been regularised.

In the facts of the present case, the applicability of the provisions of the PTCL Act itself required careful consideration. Once the occupation and possession of the subject land had been regularised pursuant to the Official Memorandum dated 11.09.1978, the subsequent proceedings alleging violation of the provisions of the PTCL



CNR: KAHC010717332024

NC: 2026:KHC:54144
WP No. 35702 of 2024

Act and seeking resumption of the land could not have been initiated mechanically without examining the legal effect of such regularisation.

The authorities were also required to consider whether proceedings for resumption could be initiated after such a considerable lapse of time, particularly when transactions in respect of the subject property had taken place in 2003. The failure to examine the issue of delay and laches has resulted in orders of resumption being passed without adequately considering a material and relevant aspect of the matter.

The Division Bench has also emphasised that delay and laches are relevant considerations in proceedings seeking restoration or resumption of granted lands and that, where such proceedings are initiated after an inordinate lapse of time, the same may be liable to fail on the ground of delay and laches.



CNR: KAHC010717332024

NC: 2026:KHC:54144
WP No. 35702 of 2024

In the facts and circumstances of the present 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 sustained in law.

Accordingly, the impugned orders passed by the Assistant Commissioner and confirmed by the Deputy Commissioner are liable to be set aside.

6. The writ of certiorari is ordered. The order dated 16.03.2023 passed by the Assistant Commissioner vide Annexure-F, and the order dated 05.12.2024 passed by the Deputy Commissioner vide Annexure-G are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to restore the petitioner's name in the subject land in the revenue records.

7. Resultantly, the writ petition is ***allowed***.



CNR: KAHC010717332024

**NC: 2026:KHC:54144
WP No. 35702 of 2024**

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**

AG
List No.: 1 Sl No.: 28