



CNR: KAHC010719092024

NC: 2026:KHC:52287
WP No. 36037 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 36037 OF 2024 (SC/ST)

BETWEEN:

SMT. R LAKSHMINARASAMMA
W/O LATE J.C.NAGAIHAH,
AGED ABOUT 81 YEARS,
R/AT NO. 16, NEAR LIC COLONY,
MOHAN KUMAR NAGAR,
YESHWANTHPURA,
BENGALURU-560 022.

REPRESENTED BY GPA HOLDER-
SMT.J. MADHAVI,
W/O SHIVASHANKARA,
AGED ABOUT 57 YEARS,
R/AT NO.545, 1ST MAIN ROAD,
OPP. TO JAIN HOSPITAL,
T. DASARAHALLI,
BENGALURU-560 057.

...PETITIONER

(BY SRI. H N BASAVARAJU., ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M.S.BUILDINGS,
BENGALURU-560 001,
REP. BY ITS SECRETARY.



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2. THE DY. COMMISSIONER,
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA-562 101.
3. THE ASST. COMMISSIONER,
CHIKKABALLAPURA SUB-DIVISION,
CHIKKABALLAPURA-562 101.
4. CHIKKANNA,
S/O LATE YERRAPPA,
AGED ABOUT 54 YEARS

5. KRISHNAMURTHY
S/O MUNIYAPPA
AGED ABOUT 42 YEARS

R4 AND R5 ARE
R/AT AGALAKURKI VILLAGE,
NANDI HOBLI,
CHIKKABALLAPURA TQ AND DIST.,
PIN-562 101.

6. GOPALA REDDY,
S/O LATE KOTE LINGAREDDY,
AGED ABOUT 54 YEARS,
7. SMT. SATHYAVATHI,
W/O GOPALA REDDY,
AGED ABOUT 49 YEARS,

R6 AND R7 ARE
R/AT NO.220, 'N' BLOCK,
RAJAJINAGARA,
BENGALRU-560 010.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. PARASHURAM R. HATTARAKIHAL,
ADVOCATE FOR R4 AND R5;



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V/O DATED 22.09.2026,
NOTICE TO R6 AND R7 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.H.N.Basavaraju., counsel for the petitioner;
Smt.Savithramma., AGA for respondents 1 to 3 and
Sri.Parashuram R.Hattarakihal., counsel for respondents 4
& 5 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 and counsel for respondents 4 & 5 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, they 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.84/Block 3, new Sy.No.216, spans 2 acres in Agalagurki Village, Nandi Hobli, Chikballapura Taluk. It was granted to Mr.Kooralappa, in 1971. Later, the subject land was sold in 2004 through a registered sale deed. Thereafter, land was acquired and sale transaction has been took place. The petitioner purchased the land to an extent of 35 guntas in 2016.

Nearly 11 years after the sale, in 2015-16, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner rejected the



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petition. Against which, an appeal was preferred before the Deputy Commissioner, who remanded the matter. After remand, the Assistant Commissioner allowed the claim and ordered for resumption. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who upheld the order of the Assistant Commissioner. However, both the Assistant and Deputy Commissioners overlooked the nearly 11-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 11 years, especially since the rights in the land were settled by the sale deed in 2004. 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 03.03.2023 passed by the Assistant Commissioner vide Annexure-N, and the order dated 15.07.2024 passed by the Deputy Commissioner vide Annexure-A 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.: 28.1