



CNR: KAHC010725392025

NC: 2026:KHC:50151
WP No. 33893 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 33893 OF 2025 (SC/ST)

BETWEEN:

SRI. C.SADIYAPPAN,
S/O. LATE CHINNATHAMBIGOWDAR,
AGED ABOUT 78 YEARS,
RESIDING AT 2ND CROSS,
1ST D MAIN ROAD,
1ST D SATELLITE TOWN,
KENGARI, BENGALURU - 560 060.

...PETITIONER

(BY SRI. MANOJ K., ADVOCATE FOR
SRI. JAYARAJ D.S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS CHIEF SECRETARY,
REVENUE DEPARTMENT, M. S. BUILDING,
VIDHANA SOUDHA, AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
RAMANAGARA DISTRICT,
RAMANAGARA, KARNATAKA - 562 159.
3. THE ASSISTANT COMMISSIONER,
RAMANAGARA SUB-DIVISION,
RAMANAGARA, KARNATAKA - 562 159.
4. THE TAHSILDAR,
RAMANAGARA TALUK AND DISTRICT,
RAMANAGARA, KARNATAKA - 562 159.



CNR: KAHC010725392025

NC: 2026:KHC:50151
WP No. 33893 of 2025

5. SRI. MUTHAIAH,
S/O. LATE MUTHAIAH
ALIAS ARU BERALLAIAH,
AGED ABOUT 54 YEARS,
RESIDING AT KENCHANAKUPPE VILLAGE,
BIDADI HOBLI, RAMANAGARA TALUK AND DISTRICT,
KARNATAKA-562 109.

...RESPONDENTS

(BY SRI. YOGESH D. NAIK, AGA FOR R1 TO R4;
R5 SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 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.Manoj.K., counsel on behalf of Sri.Jayaraj.D.S., for the
petitioner and Sri.Yogesh D.Naik, Additional Government
Advocate for respondent Nos.1 to 4, appeared in person.

An emergent notice to respondent No.5 was ordered on
01.06.2026. A perusal of the office note shows that respondent
No.5 has been served and is unrepresented. Respondent No.5
has neither engaged the services of an advocate nor conducted
the case as a party in person.



CNR: KAHC010725392025

2. The petition is filed seeking a writ of certiorari to quash the orders passed by the Assistant Commissioner and the Deputy Commissioner.

3. Counsel for the respective parties advanced several contentions. The Court heard the arguments and carefully perused the papers.

4. This issue is limited to resumption proceedings. The land in question, Sy.No.127/13 (New Sy.No.127/P14), spans 36 guntas at Kenchanakuppe Village, Bidadi Hobli, Ramanagara Taluk. It was granted to Mr. Muthaiah @ Aru Berallaiah on 06.10.1978. Later, he executed a power of attorney with power of alienation in favor of Smt. Chinna Ponnu on 16.03.1995. By virtue of the power of attorney, she sold the land on the strength of a GPA with power of alienation to the petitioner on 24.10.2001.

Nearly 13 years after the sale, the LRs. of grantee initiated proceedings under Section 5 of the Act in 2014 before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner approved the petition and ordered



CNR: KAHC010725392025

the land to be resumed. Dissatisfied, the petitioner appealed to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 13-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 13 years, especially since the rights in the land were settled by the sale deed dated 24.10.2001. The oversight in considering the delay and laches led to orders 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 orders passed by the Assistant



**NC: 2026:KHC:50151
WP No. 33893 of 2025**

CNR: KAHC010725392025

Commissioner and confirmed by the Deputy Commissioner, directing resumption of the subject land, cannot be sustained in law. Accordingly, the impugned orders are liable to be set aside.

5. For the foregoing reasons, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be set aside.

6. The writ of certiorari is ordered. The order dated 07.02.2018 passed by the Assistant Commissioner vide Annexure-D, and the order dated 06.03.2025 passed by the Deputy Commissioner vide Annexure-A are quashed.

7. 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.: 61