



CNR: KAHC010765602024

NC: 2026:KHC:51885
WP No. 35933 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 35933 OF 2024 (SC/ST)

BETWEEN:

DAKSHAYINI R.,
W/O. LATE SRIDHARA S.,
AGED ABOUT 51 YEARS,
R/AT 4TH CROSS,
BJR EXTENSION,
HIRIYUR -577598.

...PETITIONER

(BY SRI. VIVEKANANDA N., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
CHITRADURGA DISTRICT,
OBAVVA CIRCLE, MANIYUR,
CHITRADURGA -577501.
2. THE ASSISTANT COMMISSIONER,
CHITRADURGA SUB DIVISION,
ADARSHA NAGAR,
CHITRADURGA -577502.
3. RANGAPPA,
S/O. DHARMAPURA RANGAPPA,
RANGENAHALLI VILLAGE,
HIRIYUR -577545.
4. SHIVARAJAPPA,
S/O. CHIKKANNA,
HULUGALAKUNTE VILLAGE,
HIRIYUR -577598.

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



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5. G. BHAGYAMMA,
W/O. C.CHANDRACHAR,
VISHWESHVARAIAH BADVANE,
HIRIYUR -577598.
6. NARAYANA,
S/O. C.CHANDRACHAR,
VISHWESHVARAIAH BADAVANE,
HIRIYUR -577598.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
R3 SERVED AND UNREPRESENTED;
SRI. ANSHUMAN A., ADVOCATE FOR R5 AND R6;
VIDE COURT ORDER DATED 10.06.2026,
BRINGING LRS OF DECEASED R4 IS NOT NECESSARY)

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.Vivekananda.N., counsel for the petitioner;
Smt.Savithramma., Additional Government Advocate for
respondent Nos. 1 & 2, and Sri.Anshuman.A., counsel for
respondents 5 and 6 appeared in person.



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2. The petition is filed seeking a writ of certiorari to quash the order passed by the Deputy Commissioner. This order is 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.

AGA and counsel for respondents 5 and 6 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.119, New Sy.No.179 spans 5 acres. It was granted to Mr.Darmapurada Rangappa, in



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1956. Later, the original grantee sold the property in 1966 through a registered sale deed.

Nearly 45 years after the sale, in 2011, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner rejected the petition. Dissatisfied, the Lrs., of original grantee appealed to the Deputy Commissioner, approved the petition and ordered the land to be resumed. The Assistant Commissioner is justified in rejecting the petition. However, the Deputy Commissioner overlooked the nearly 45-year delay in initiating this proceedings. He failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authority should have evaluated whether to proceed after nearly 45 years, especially since the rights in the land were settled by the sale deed in 1966. 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 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 order passed by the Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained. Accordingly, the impugned order is liable to be set aside.

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

7. The writ of certiorari is ordered. The order dated 22.11.2023 passed by the Deputy Commissioner vide Annexure-A is quashed. As this Court has quashed the order, the authority concerned is hereby directed to



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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.: 66