



CNR: KAHC010769302025

NC: 2026:KHC:55421
WP No. 35809 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.35809 OF 2025 (SC/ST)

BETWEEN:

1. SMT. GANGAMMA,
AGED ABOUT 74 YEARS,
W/O. LATE VITLAPPA,
2. SMT. LATHA
AGED ABOUT 49 YEARS,
W/O. THANOJI RAO.

BOTH ARE R/O.#3557,
5TH MAIN ROAD, 6TH CROSS,
MCC 'B' BLOCK,
DAVANAGERE-577 001.

...PETITIONERS

(BY SRI. CHIDAMBARA G.S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
M.S. BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER
DAVANAGERE DISTRICT,
DAVANAGERE-577 001.
3. THE ASSISTANT COMMISSIONER
HONNALI SUB-DIVISION,

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



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HONNALI-577 217
DAVANAGERE DISTRICT.

4. SMT. SHANTHI BAI
W/O. LATE SAKRA NAIKA
5. SHRI. MANJA NAIKA
S/O. LATE SAKRA NAIKA

RESPONDENT NOS.4 AND 5 ARE
R/O. BIDARAHALLI VILLAGE,
NYAMATHI TALUK,
DAVANAGERE DISTRICT-577 223.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA., FOR R.1 TO R.3;
SRI. SADASHIVA C., ADVOCATE FOR R.4 AND R.5.)

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.Chidambara G.S., counsel for the petitioners;
Smt.Savithramma., Additional Government Advocate for
respondent Nos.1 to 3, and Sri.Sadashiva C., counsel for
respondent Nos.4 and 5 appeared in person.



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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.

Additional Government Advocate submits that appropriate order may be passed.

Counsel for respondent Nos.4 and 5 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, he submits 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 was granted in 1969. Later, the subject land



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was sold to petitioner No.1 on 31.01.1985 through a registered sale deed.

Nearly 39 years after the sale, in 2024, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 39-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 39 years, especially since the rights in the land were settled by the sale deed in 1985. 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.

Furthermore, one of the son's of the grantee was also a party to the sale deed. Hence, he could not have initiated resumption proceedings. In view of the law laid down by the Hon'ble Apex Court in the *Seethamma* case, he could not have instituted proceedings under the provisions of the PTCL Act.

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.



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7. The writ of certiorari is ordered. The order dated 10.03.2025 passed by the Assistant Commissioner vide Annexure-D, and the order dated 13.11.2025 passed by the Deputy Commissioner vide Annexure-C 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.

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**

SS
List No.: 1 Sl No.: 61