



CNR: KAHC010817932025

NC: 2026:KHC:49624-DB
WA No. 2006 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO.2006 OF 2025 (SCST)

BETWEEN:

SRI LOKESH NAIKA
S/O LATE SRI BHAVA NAIKA
AGED ABOUT 42 YEARS
R/O KADARANAHALLI VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT.

...APPELLANT

(BY SRI. N.S. BHAT, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
DAVANAGERE DISTRICT,
DAVANAGERE-577002.
2. THE ASSISTANT COMMISSIONER,
DAVANAGERE SUB DIVISION,
DAVANAGERE-577002.
3. SRI RAMU .B
S/O LATE SRI B.N. MUCHAL RAO,
AGED ABOUT 61 YEARS,
4. SRI KRISHNA .B
S/O LATE SRI B.N. MUCHAL RAO,
AGED ABOUT 55 YEARS,



CNR: KAHC010817932025

**NC: 2026:KHC:49624-DB
WA No. 2006 of 2025**

5. SMT. SUBBALAKSHMI,
W/O LATE SRI B.N. MUCHAL RAO,
AGED ABOUT 82 YEARS,

RESPONDENT NOS.3 TO 5 ARE
R/O KABBALA VILLAGE,
BASAVAPATNA HOBLI,
TALUK: CHANNAGIRI,
DISTRICT: DAVANAGERE-577544.

...RESPONDENTS

(BY SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1 & R-2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 24.05.2023 IN W.P.NO.18183/2021 (SC/ST) PASSED BY THE LEARNED SINGLE JUDGE AND CONSEQUENTLY TO ALLOW THE WRIT PETITION NO.18183/2021 (SC/ST) AS PRAYED FOR BY CONFIRMING THE ORDER DATED 24.09.2021 PASSED BY THE R1/DEPUTY COMMISSIONER AND THE ORDER DATED 06.08.2018 PASSED BY THE R2/ASSISTANT COMMISSIONER AND TO GRANT SUCH OTHER SUITABLE RELIEFS AS THE HON'BLE HIGH COURT MAY DEEM FIT TO GRANT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA



CNR: KAHC010817932025

NC: 2026:KHC:49624-DB
WA No. 2006 of 2025

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE K.S. HEMALEKHA)

1. The appellant, who was respondent No.3 in W.P.No.18183/2021 [SC ST], has preferred this intra-Court appeal assailing the order dated 24.05.2023 passed by the learned Single Judge. By the impugned order, the learned Single Judge allowed the writ petition filed by respondent Nos.3 to 5 herein and set aside the order dated 06.08.2018 passed by the Assistant Commissioner, Davanagere Sub-Division, Davanagere, directing restoration of the subject land in favour of the appellant, as well as the order dated 24.09.2021 passed by the Deputy Commissioner, Davanagere District, Davanagere, confirming the same.

2. The facts necessary for consideration of the present appeal are that Sy.No.42/H.P.1-P2 (42) measuring 2.20 acres situated at Kabbala Village, Basavapatna Hobli, Channagiri Taluk, Davanagere District [**the subject land**] was granted to Smt. Gangli Bai, the grandmother of the appellant, on 02.06.1972. The original grantee alienated the subject land under two separate sale deeds dated 14.06.1989 and 08.02.1992. During her lifetime, the original



CNR: KAHC010817932025

NC: 2026:KHC:49624-DB
WA No. 2006 of 2025

grantee neither questioned the said alienations nor initiated any proceedings seeking resumption of the subject land on the ground that the transfers were in contravention of Section 4 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 [**the PTCL Act**]. It was only in the year 2015 that the appellant, claiming to be the grandson of the original grantee, initiated proceedings seeking resumption and restoration of the subject land. The Assistant Commissioner allowed the application and directed restoration, which order was then affirmed by the Deputy Commissioner.

3. The learned Single Judge, relying upon the decisions of the Supreme Court in the cases of **Nekkanti Rama Lakshmi v. State of Karnataka and Another**¹, **Chhedilal v. Hari Kishore Yadav**² and **Ningappa v. Deputy Commissioner and Others**³, held that, even where a statute does not prescribe any period of limitation, the power conferred thereunder is required to be invoked within a reasonable time. The learned Single Judge noticed that, in the present case, the proceedings for restoration had been initiated

¹ (2020) 14 SCC 232

² ((2018) 12 SCC 527

³ (2020) 14 SCC 236



CNR: KAHC010817932025

after an inordinate delay of about 26 years from the first alienation. It was accordingly held that the Assistant Commissioner was not justified in entertaining the application and that the authorities had failed to consider the effect of such gross delay and laches. The learned Single Judge also noticed that the third party rights had intervened in the meantime and, consequently, set aside the orders passed by the Assistant Commissioner and Deputy Commissioner.

4. The present appeal is also accompanied by an application-I.A.No.1/2025 seeking condonation of delay of 902 days in filing the appeal. In the affidavit filed in support of the application, the appellant stated that, on account of economic and financial difficulties, he could not take steps to prefer the appeal within time and that, after arranging financial assistance, he approached his counsel in December 2025, resulting in the delay.

5. We are unable to accept the explanation as constituting sufficient cause for condonation of delay. The explanation offered is thus insufficient to condone the inordinate delay.

6. Even otherwise, we find no grounds to interfere with the impugned order on merits. The question whether the proceedings



CNR: KAHC010817932025

NC: 2026:KHC:49624-DB
WA No. 2006 of 2025

for restoration under Sections 4 and 5 of the PTCL Act can be initiated after an inordinate delay is no longer *res integra*. In **Nekkanti Rama Lakshmi** (*supra*) and **Vivek M. Hinduja v. M. Aswatha**⁴, the Supreme Court has held that, notwithstanding the absence of prescribed period of limitation, the proceedings seeking restoration of granted land allegedly alienated in violation of the PTCL Act are required to be initiated within a reasonable time and cannot be entertained after an inordinate delay. The learned Single Judge has rightly applied precisely this principle. It is also relevant that Section 5 of the PTCL Act was subsequently amended by Act No.30 of 2023 by insertion of clauses (c) and (d). The effect of the said amendment has been considered by this Court in **Smt.Gouramma @ Gangamma v. The Deputy Commissioner and Others**⁵ and observed as under:

"3.*****

(c) The vehement submission of learned counsel for the appellant that Act 30 of 2023 has amended the provisions of Section 5 of the 1978 Act by adding clauses (c) & (d) to sub-section (1) of the said Section and therefore, the concept of "limitation and delay" has to remain miles away. These new clauses read as under:

⁴ (2019) 1 Kant LJ 819 SC

⁵ 2024:KHC:D:10666-DB



CNR: KAHC010817932025

NC: 2026:KHC:49624-DB
WA No. 2006 of 2025

“(c) notwithstanding anything contained in any law, there shall be no limitation of time to invoke the provisions of this Act.

(d) the provisions of clause (c) shall apply to all cases pending before all the competent authorities and all Courts of Law adjudicating the cases under this section.”

It hardly needs to be stated that at no point of time, the 1978 Act prescribed any period of limitation for moving application for the resumption of granted land after it is alienated.

(d) The Amendment Act that is made applicable with retrospective effect is only a duplication of the existing legal position. Such duplication happened even in English legislative history, hardly needs to be mentioned. The question of delay is a matter of limitation which this statute is silent about. Clauses (c) and (d), now introduced to Section 5(1) of the Act, do not bring any change in the statutory scheme. At the most, they are declaratory of what the statute has been all through, so far as the limitation period is concerned. Nobody disputes that there was no limitation period earlier and there is no limitation period now too. Laches, which would involve a host of factors, pertains to the Domain of Equity.

(e) **Nekkanti** supra does not speak of “limitation period” at all. What it discusses is, the long lapse of time between alienation of granted land and the filing of claim for its resumption. Observations occurring in para 8 of the decision lend support to this view:

“8. However, the question that arises is with regard to terms of Section 5 of the Act which enables any interested person to make an application for having the transfer annulled as void under Section 4 of the Act. This Section does not prescribe any period within which such an application can be made. Neither does it prescribe the period within which suo motu action may be taken. This Court in the case of Chhedi Lal Yadav v. Hari Kishore Yadav (D) Thr. Lrs., (2017) 6 Scale 459 and also in the case of Ningappa v. Dy. Commissioner (C.A. No. 3131 of 2007, decided on



CNR: KAHC010817932025

NC: 2026:KHC:49624-DB
WA No. 2006 of 2025

14.07.2011) reiterated a settled position in law that whether Statute provided for a period of limitation, provisions of the Statute must be invoked within a reasonable time. It is held that action whether on an application of the parties, or suo motu, must be taken within a reasonable time. This relief was granted to the farmers due to flood in the Kosi River which make agricultural operations impossible. An application for restoration was made after 24 years and was allowed. It is in that background that this Court upheld that it was unreasonable to do so. We have no hesitation in upholding that the present application for restoration of land made by respondent-Rajappa was made after an unreasonably long period and was liable to be dismissed on that ground. Accordingly, the judgments of the Karnataka High Court, namely, R. Rudrappa v. Deputy Commissioner, (2000) 1 Karnataka Law Journal, 523, Maddurappa v. State of Karnataka, (2006) 4 Karnataka Law Journal, 303 and G. Maregouda v. The Deputy Commissioner, Chitradurga District, Chitradurga, (2000) 2 Kr. L.J.Sh. N.4B holding that there is no limitation provided by Section 5 of the Act and, therefore, an application can be made at any time, are overruled.”

(emphasis is ours)

Apparently, the law declared by the Apex Court in the above case has not been altered by the subject amendment, even in the least.

(f) It may be true, that the legislative debates might have taken place about the observations of the Apex Court in **Nekkanti** and other such cases while passing the Amendment Bill. That per se does not lend credence to the contention that the said amendment intends to invalidate the law declared by the highest court of the country which it did after considering all aspects of the matter including the sense of equity & justice. If the Legislature intended to silence the voice of **Nekkanti**, it would have employed a different terminology. We repeat that, ordinarily, delay is decided by computing the period of limitation prescribed by law, whereas “laches” is decided keeping in view a host of factors. Cases are repleat in Law Reports relating to delay



CNR: KAHC010817932025

**NC: 2026:KHC:49624-DB
WA No. 2006 of 2025**

and laches in writ jurisdiction under Articles 12, 226 & 227 of the Constitution of India. This is only to illustrate.

(g) There is a marked difference between 'delay & laches' that operate in equity and 'limitation & delay' that obtain in law. The following observations of the Apex Court in *Union of India v. N. Murugesan* [(2022) 2 SCC 25] make out this point:

“Delay, laches and acquiescence

20. The principles governing delay, laches, and acquiescence are overlapping and interconnected on many occasions. However, they have their distinct characters and distinct elements. One can say that delay is the genus to which laches and acquiescence are species. Similarly, laches might be called a genus to a species by name acquiescence. However, there may be a case where acquiescence is involved, but not laches. These principles are common law principles, and perhaps one could identify that these principles find place in various statutes which restrict the period of limitation and create non-consideration of condonation in certain circumstances.... The underlying principle governing these concepts would be one of estoppel. The question of prejudice is also an important issue to be taken note of by the court.

21. The word “laches” is derived from the French language meaning “remissness and slackness”. It thus involves unreasonable delay or negligence in pursuing a claim involving an equitable relief while causing prejudice to the other party. It is neglect on the part of a party to do an act which law requires while asserting a right, and therefore, must stand in the way of the party getting relief or remedy.

22. Two essential factors to be seen are the length of the delay and the nature of acts done during the interval. As stated, it would also involve acquiescence on the part of the party approaching the court apart from the change in position in the interregnum. Therefore, it would be unjustifiable for a Court of Equity to confer a remedy on a party who knocks its doors when his acts would indicate a waiver of such a right. By his conduct, he has put the other



CNR: KAHC010817932025

party in a particular position, and therefore, it would be unreasonable to facilitate a challenge before the court. Thus, a man responsible for his conduct on equity is not expected to be allowed to avail a remedy.”

7. The Special Leave Petition [**the SLP**] preferred against the said decision, being SLP(C) Diary No.19020/2025, was dismissed by the Supreme Court on 09.05.2025. Likewise, a Co-ordinate Bench of this Court in **Smt. M. Manjula and Others v. The Deputy Commissioner and Others**⁶, after considering the amendment to Section 5 of the PTCL Act and the decision in **Gouramma** (*supra*), reiterated the same proposition. The challenge before the Supreme Court to the said decision in SLP(C) No(s).8421/2025 was also dismissed by order dated 01.04.2025.

8. In the present facts, the factual position is undisputed. The first alienation was made on 14.06.1989 and the second on 08.02.1992, whereas, the proceedings for restoration were initiated only in 2015. Thus, the appellant permitted the alienations to remain unconstrained for more than two decades. The original grantee herself never questioned the alienations during her lifetime. In **Nekkanti Rama Lakshmi** (*supra*), the Supreme Court interfered

⁶ 2024: KHC: 51015-DB



CNR: KAHC010817932025

**NC: 2026:KHC:49624-DB
WA No. 2006 of 2025**

with restoration proceedings initiated after about 25 years. The delay in the present case is 26 years from the first alienation. Therefore, we find no infirmity in the conclusion of the learned Single Judge warranting any interference by this Court. Accordingly, the appeal is dismissed both on the ground of delay as well as on merits.

9. Pending interlocutory application stands disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

AT
List No.: 1 Sl No.: 6