HC-KAR

NC: 2026:KHC:59490
WP No. 1112 of 2024

CNR: KAHC010019232024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 1112 OF 2024 (SC/ST)

BETWEEN:

NOORJAHAN M.PASHA
W/O. H.E.MINUDDIN PASHA
AGED ABOUT 52 YEARS
R/O H.E.NIVAS,
4TH CROSS, 19TH WARD,
RAJENDRANAGARA
SHIVAMOGGA - 577 201.

...PETITIONER

(BY SRI. GURUPRASAD HEGDE, ADVOCATE FOR
SRI. S.V.PRAKASH, ADVOCATE)

AND:

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

1. 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,
SHIVAMOGGA DISTRICT,
SHIVAMOGGA - 577 201.

3. THE ASSISTANT COMMISSIONER,
SHIVAMOGGA SUB DIVISION,
SHIVAMOGGA - 577 201

4. H. CHANDRASHEKAR
S/O HANUMANTHAPPA,
AGED ABOUT 45 YEARS,
R/O USHA NURSING HOME
VINAYAKANAGARA
SHIVAMOGGA-577201

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. N.R.NAIK, ADVOCATE FOR R4 - ABSENT)

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.Guruprasad Hegde., counsel appearing on behalf of Sri.S.V.Prakash., for the petitioner and Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 3 appeared in person.

There is no representation on behalf of respondent No.4.

In PTCL writ petitions, the orders passed by the Assistant Commissioner and the Deputy Commissioner are ordinarily called into question. This Court has frequently noticed discrepancies in the names of the original grantees and the dates of grant and alienation recorded in the impugned orders. Hence, for the sake of convenience, this Court refers to the parties as the "original grantee" and the relevant years of grant and alienation, instead of reproducing the names and dates.

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.

AGA submits that an appropriate orders may be passed.

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 1965-66. Later, the subject land was sold in 1994 through a registered sale deed.

Nearly 27 years after the sale, in 2021, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner has allowed the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who confirmed the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 27 years 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 27 years, especially since the rights in the land were settled by the sale deed in 1994. 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 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 20.06.2023 passed by the Assistant Commissioner vide Annexure-A, and the order dated 04.01.2024 passed by the Deputy Commissioner vide Annexure-B are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to mutate / 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

CH/List No.: 1 Sl No.: 31