HC-KAR

NC: 2026:KHC:59807
WP No. 1097 of 2025

CNR: KAHC010025902025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 1097 OF 2025 (SC/ST)

BETWEEN:

PARVATHAMMA
WIFE OF RANGAPPA
SINCE DECEASED REPRESENTED
BY HER LEGAL REPRESENTATIVES

1. SRI D R DODDEGOWDA
   S/O LATE D RANGAPPA
   AGED ABOUT 58 YEARS

2. SRI D R MOHAN
   S/O LATE D RANGAPPA
   AGED ABOUT 53 YEARS

3. SMT GIRIJAMMA
   D/O LATE D RANGAPPA
   AGED ABOUT 55 YEARS

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

ALL ARE RESIDENT OF
GUTTE VILLAGE, DODDERI HOBLI,
MADHUGIRI TALUK,
TUMAKURU DISTRICT - 572132

...PETITIONERS

(BY SRI. VENUGOPAL M.S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY,
   DEPARTMENT OF REVENUE,
   VIKASA SOUDHA, BENGALURU - 560001.

2. THE DEPUTY COMMISSIONER
TUMAKURU DISTRICT,
MINI VIDHANA SOUDHA,
TUMAKURU - 572101.

3. THE ASSISTANT COMMISSIONER
MADHUGIRI SUB DIVISION, MADHUGIRI,
TUMAKURU - 572132.

4. THE TAHASILDAR
MADHUGIRI TALUK,
TALUK OFFICE, MADHUGIRI,
TUMAKURU - 572132.

5. SMT. HANUMAKKA
WIFE OF KADIRAPPA
AGED MAJOR
RESIDING AT CHANDRAGIRI MAJARE,
GUTTE VILLAGE, DODDERI HOBLI,
MADHUGIRI TALUK,
TUMAKURU DISTRICT - 572132.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, 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. Venugopal M.S., counsel for the petitioners and Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 4, appeared in person.

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 writ petition is filed seeking the following reliefs:

> *i. Issue a writ or certiorari quashing the order dated 04.12.2024 passed by the 2nd respondent - Deputy Commissioner, Tumakuru District in Case No.PTCL-40/02-03 vide Annexure-J;*

ii. Issue such other writ, directions or order as this Hon'ble court deems fit to be granted in the facts and circumstances of the case by allowing this writ petition in the interest of justice and equity.

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

4. This issue is limited to resumption proceedings. Suffice it to note that the land bearing Sy.No.163, measuring 1 acre 28 guntas, was granted to one Sri. Kadarappa. It is also pertinent to note that the petitioners' grandfather, Sri. Doddegowda, was the owner of land bearing Sy.No.276, measuring 2 acres. In 1962, Sri. Kadrappa sold the land bearing Sy.No.163 in favor of Sri. Doddegowda and in exchange, purchased the land bearing Sy.No.276, measuring 2 acres, from Sri. Doddegowda. Thus, the transaction constituted an exchange of properties between Sri. Kadarappa and Sri. Doddegowda, pursuant to which Sri. Doddegowda became the absolute owner of Sy.No.163

and Sri. Kadarappa became the absolute owner of Sy.No.276.

As matters stood thus, strangely, Sri. Kadarappa, claiming to be the owner of Sy.No.163, initiated resumption proceedings before the Assistant Commissioner in 1979-80. The Assistant Commissioner allowed the claim. On appeal, the Deputy Commissioner confirmed the order. Aggrieved by the same, a writ petition came to be filed before this Court in W.P.No.10127/1989. This Court, vide order dated 17.08.1994, remanded the matter to the Deputy Commissioner.

On remand, the Deputy Commissioner ordered resumption of the land. Aggrieved by the said order, another writ petition came to be filed before this Court in W.P.No.44447/2012. This Court, vide order dated 28.01.2020, remanded the matter to the Deputy Commissioner. Upon remand, the Deputy Commissioner once again ordered resumption of the land.

In the considered opinion of this Court, invoking the provisions of the PTCL Act to resume the land in favor of the family of Sri. Kadarappa is untenable in law. The reason is apparent. The present case does not involve a claim for resumption of land on the ground of violation of the provisions of the PTCL Act.

As already noted above, there was an exchange of properties between Sri. Kadarappa and Sri. Doddegowda, whereby Sri. Kadarappa, the original grantee, himself exchanged the land bearing Sy.No.163 with Sri. Doddegowda. Consequently, Sri. Kadarappa was no longer the owner of the property of Sy.No.163. Hence, the initiation of proceedings under the PTCL Act was wholly untenable in law.

Even after remand, the Deputy Commissioner failed to appreciate this material fact and erroneously ordered resumption of the land as though Sri. Kadarappa continued to be the owner of Sy.No.163, which is contrary to the factual position and unsustainable in law.

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

6. The writ of certiorari is ordered. The order dated 04.12.2024 passed by the Deputy Commissioner vide Annexure-J and initiation of resumption proceedings by Sri.Kadarappa are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to mutate/ restore the petitioners' name in the subject land in the revenue records.

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

AM
List No.: 1 Sl No.: 40