HC-KAR

NC: 2026:KHC:61647
WP No. 10031 of 2021

CNR: KAHC010058122020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 10031 OF 2021 (SC/ST)

BETWEEN:

1. B.ASWATHAPPA,
   S/O. LATE BACHAPPA,
   AGE ABOUT 67 YEARS,

2. B.NARAYANASWAMY,
   S/O. LATE BACHAPPA,
   AGE ABOUT 62 YEARS,

3. B.NANJEGOWDA,
   S/O. LATE BACHAPPA,
   AGE ABOUT 51 YEARS,

   ALL ARE RESIDING AT
   KUNDANA VILLAGE AND
   POST KUNDANA HOBLI,
   DEVANAHALLI TALUK,
   BENGALURU RURAL DISTRICT - 562110.

...PETITIONERS

(BY SRI. A.RAVISHANKAR, ADVOCATE FOR
SRI. CHANDRAPPA V., ADVOCATE)

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

AND:

1. STATE OF KARNATAKA
   BY ITS SECRETARY
   REVENUE DEPARTMENT
   VIDHANA SOUDHA
   BENGALURU - 560001.

2. THE DEPUTY COMMISSIONER,
BENGALURU RURAL DISTRICT,
BENGALURU - 560001.

3. THE ASSISTANT COMMISSIONER
DODDABALLAPURA SUB-DIVISION
DODDABALLAPURA
BENGALURU RURAL DISTRICT - 560103.

4. SMT. NARAYANAMMA,
W/O. LATE NARAYANASWAMY,
AGED ABOUT 57 YEARS,

5. SMT. VISHALAKSHI,
D/O. LATE NARAYANASWAMY,
AGED ABOUT 36 YEARS,

6. SMT. DEEPA,
D/O. LATE NARAYANASWAMY,
AGED ABOUT 33 YEARS,

7. SRI. YOGENDA,
S/O. LATE NARAYANASWAMY,
AGED ABOUT 31 YEARS,

8. KUM. NETRAVATHI
D/O. LATE NARAYANASWAMY,
AGED ABOUT 17 YEARS,
REPRESENTED BY HER NATURAL GUARDIAN
MOTHER SMT. NARAYANAMMA

RESPONDENTS NO.4 TO 8 ARE
RESIDING AT NO.9,
NEW INDIAN NATIONAL SCHOOL ROAD,
KADAMABA NAGAR,
THIGALARAPALYA MAIN ROAD,
PEENYA 2ND STAGE
BENGALURU - 560058.

9. SMT. NARAYANAMMA,
W/O. LATE ANJINAPPA,
AGED ABOUT 75 YEARS,

10. SRI. C.RAMAKRISHNAPPA,
S/O. LATE ANJINAPPA,
AGED ABOUT 56 YEARS,

11. SRI. A.RAJENDRA,
S/O. LATE ANJINAPPA,
AGED ABOUT 50 YEARS,

12. A.RAMESHA,
S/O. LATE ANJINAPPA,
AGED ABOUT 48 YEARS,

13. A.GANGADHARA,
S/O. LATE ANJINAPPA,
AGED ABOUT 46 YEARS,

14. A.KRISHNAMURTHY,
S/O. LATE ANJINAPPA,
AGED ABOUT 42 YEARS,

RESPONDENTS NO.9 TO 14 ARE
RESIDING AT KUNDANA VILLAGE
AND POST KUNDANA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562110.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. SHAKEER ABBAS, ADVOCATE FOR R4 TO R6 AND R8;
R7, R10 AND R11 ARE SERVED AND UNREPRESENTED;
SRI. VENKATESH P.DALWAI, ADVOCATE
FOR R9, R12 TO R14)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR ORDERS, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.A.Ravishankar., counsel on behalf of Sri.Chandrappa V., for the petitioners; Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 3, Sri.Shakeer Abbas., counsel for respondent Nos.4 to 6 and 8 and Sri.Venkatesh P. Dalwai., counsel for respondent Nos.9, 12 to 14, appeared in person.

In PTCL writ petitions, the orders passed by the Assistant Commissioner and the Deputy Commissioner are ordinarily challenged before this Court. The Court has frequently observed discrepancies in the names of the original grantees, the dates of grant and alienation, and the survey numbers mentioned in the impugned orders. Accordingly, for the sake of convenience and to avoid

unnecessary repetition, the parties are referred to as the "original grantee", and the relevant years of grant and alienation are used instead of reproducing the names, dates, and survey numbers in each case.

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

Counsel for the petitioners placed reliance on the following decisions:

i) Syed Peer Sab V/s The State of Karnataka and Others [W.P.No.17367/2018 dated 18.02.2022];

ii) Basavaraj R., V/s The Deputy Commissioner and Others [W.P.No.350/2022 dated 14.01.2022];

iii) Narasimhaiah V/s The Deputy Commissioner and Others [W.A.No.1592/2023 dated 20.06.2025];

iv) Nanda Gopal V/s The State of Karnataka and Others [W.P.No.5740/2022 dated 13.07.2026];

Counsel for respondent Nos.4 to 6 and 8 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.

AGA and counsel for respondent Nos.9, 12 to 14 submits that an appropriate order 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 to original grantee, in 1963. Later, the subject land was sold in 1972 through a registered sale deed.

Nearly 33 years after the sale and 26 years from coming into force of the PTCL Act, in 2005, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner rejected the petition. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who set aside the order of the Assistant Commissioner. However, the Deputy Commissioner overlooked the nearly 33-years delay after the sale and 26 years delay from coming into force of the PTCL Act in initiating these proceedings. He failed to consider the issue of laches or the petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 33-years delay after the sale and 26 years delay from coming into force of the PTCL Act, especially since the rights in the land were settled by the sale deed in 1972. 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 12.09.2017 passed by the Deputy Commissioner vide Annexure-G is quashed. As this Court has quashed

the order, the authority concerned is hereby directed to mutate/restore the petitioners' name in the subject land in the revenue records.

Counsel for the petitioners placed reliance on the decisions referred to supra. But I do not think that the law is in doubt. Each decision turns on its own facts. The present case is also tested in the light of the aforesaid decisions.

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

AM
List No.: 2 Sl No.: 20.2