HC-KAR

NC: 2026:KHC:61216
WP No. 4347 of 2024

CNR: KAHC010088202024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.4347 OF 2024 (SC-ST)

BETWEEN:

SRI. PARAMASHIVAIAH B S
S/O LATE SADASHIVAPPA,
AGED ABOUT 83 YEARS,
RESIDING AT BITTASANDRA PALYA,
SOLUR HOBLI, MAGADI TALUK,
RAMANAGARA DISTRICT - 562 120.

...PETITIONER

(BY SRI. AJAY KUMAR, ADVOCATE FOR
SRI. RUDRAIAH M., ADVOCATE)

AND:

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

1. GOVERNMENT OF KARNATAKA
THROUGH SECRETARY,
DEPT. OF PARLIAMENTARY AFFAIRS AND
LEGISLATION,
ROOM NO.137, 1ST FLOOR,
VIDHANA SOUDHA,
BENGALURU-560 001.

2. THE DEPUTY COMMISSIONER
RAMANAGARA DISTRICT,
OFFICE OF THE DEPUTY COMMISSIONER,
RAMANAGAR,
RAMANAGARA DISTRICT - 562 159.

3. THE ASSISTANT COMMISSIONER
RAMANAGARA SUB-DIVISION,
OFFICE OF ASSISTANT COMMISSIONER,
RAMANAGARA,
RAMANAGARA DISTRICT - 562 159.

4. SRI. VENKATACHALAIAH
S/O LATE ERAIAH,
AGED ABOUT 67 YEARS,
RESIDING AT NARASAPURA VILLAGE,
SOLUR VILLAGE, MAGADI TALUK,
RAMANAGARA DISTRICT - 562 120.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. G.M. SRINIVASA REDDY, ADVOCATE FOR R4)

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.Ajay Kumar, counsel on behalf of Sri.Rudraiah.M., for the petitioner, Smt.Savithramma, Additional Government Advocate for respondent Nos.1 to 3 and Sri.G.M.Srinivasa Reddy, counsel for respondent No.4 appeared in person.

Counsel for the petitioner submits that the petitioner is not pressing prayer No.(a).

The oral submission regarding non pressing of prayer No.(a) is placed on record.

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 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 an appropriate orders may be passed.

Counsel for respondent No.4 in presenting his argument vehemently contended that though the sale deed is executed by respondent No.4 in 1993, it has been obtained by fraud and the revenue entries are continuing in the name of the respondent No.4 as of today. He also drew the attention of the Court to the Saguvali Chit. 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. The issue involved in the present proceedings is confined to the resumption of the subject land. It is not in dispute that the land was originally granted in the year 1960 and that respondent No.4, Sri.Venkatachalaiah, himself executed a sale deed conveying the property in favor of the petitioner in the year 1993. However, after a lapse of nearly 27 years from the date of such alienation, respondent No.4 initiated proceedings seeking resumption of the very same land in the year 2020-21.

The Assistant Commissioner allowed the claim for resumption, and the Deputy Commissioner affirmed the said order. However, both the authorities failed to take into consideration the inordinate delay of nearly 27 years in initiating the proceedings. They have also failed to examine the question of delay and laches, particularly in the context of the petitioner's specific contention that the resumption proceedings were initiated after an unreasonable and unexplained lapse of time.

It is also relevant to note that respondent No.4, having himself alienated the subject property in favor of the petitioner, subsequently sought to initiate resumption proceedings in respect of the very same land. In this regard, the authorities were required to examine whether respondent No.4 was legally entitled to initiate proceedings under the provisions of the PTCL Act, in the light of the law laid down by the Hon'ble Apex Court in the case of *Seethamma*.

The authorities ought to have considered whether resumption proceedings could be initiated and sustained after such an inordinate delay, particularly when the transaction had taken place in the year 1993 and the rights of the parties had been acted upon pursuant to the sale deed. The failure to examine the effect of the delay and laches, as well as the maintainability of the proceedings initiated by respondent No.4 himself, has resulted in the passing of the impugned orders without

consideration of material and relevant aspects of the case. Such non-consideration vitiates the decision-making process and warrants interference by this Court. Accordingly, the impugned orders passed by the Assistant Commissioner and confirmed by the Deputy Commissioner cannot be sustained.

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 23.05.2022 passed by the Assistant Commissioner vide Annexure-C, and the order dated 25.01.2024 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

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