HC-KAR

NC: 2026:KHC:54959
WP No. 5523 of 2024

CNR: KAHC010108182024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.5523 OF 2024 (SC/ST)

BETWEEN:

SHRI. G.M.MURUGENDRAPPA
AGED ABOUT 78 YEARS,
S/O LATE MAHADEVAPPA,

SINCE DEAD BY LRs:

1(a) SMT. RATHNAMMA,
AGED ABOUT 71 YEARS,
W/O LATE G.M. MURIGENDRAPPA,
R/O CHIKKULIKERE VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 213

1(b) SHRI. G.M.MAHARUDRASWAMY,
AGED ABOUT 41 YEARS,
S/O LATE G.M. MURUGENDRAPPA,
R/O CHIKKULIKERE VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 213

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

1(c) SMT. LEELA G.M.,
AGED ABOUT 47 YEARS,
D/O LATE G.M. MURUGENDRAPPA,
C/O SHADAKSHARAPPA,
NERELEKERE VILLAGE,
CHIKKAMAGALURU TALUK,
CHIKKAMAGALURU DISTRICT - 577 228

1(d) SMT. KOMALA G.M,
AGED ABOUT 42 YEARS,
D/O LATE G.M. MURIGENDRAPPA,
C/O BASAVARAJAPPA,
HONNEBAGI VILLAGE,
RAJAGONDANAHALLI POST,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 213

…PETITIONERS

(BY SRI. CHIDAMBARA G S, ADVOCATE)

AND:

1. THE 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
DAVANAGERE DISTRICT,
DAVANAGERE - 577 001.

3. THE ASSISTANT COMMISSIONER
HONNALI SUB DIVISION
HONNALI - 577 217
DAVANAGERE DISTRICT

4. SHRI. MANJUNATHA
AGE NOT KNOWN TO THE PETITIONER
S/O LATE NAGARAJA NAIK

5. SHRI. RAGHAVENDRA NAIK
AGE NOT KNOWN TO THE PETITIONER
S/O LATE NAGARAJA NAIK

RESPONDENTS 4 & 5 ARE
R/O MAVINAKATTE VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 213

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. M.N.DIENSH, ADVOCATE FOR R4 & R5 - 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.Chidambara.G.S., counsel appearing for the petitioner and Smt.Savithramma., AGA., appearing for respondent Nos.1 to 3 appeared in person.

There is no representation on behalf of Counsel for respondent Nos.4 and 5.

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.

Sri.Chidambara.G.S., counsel appearing for the petitioner in presenting his arguments submits that the sale transaction happened in 1993-94. However, resumption proceedings were initiated in 2021 after a lapse of 28 years. Urging additional grounds, he prayed that the order of the resumption of the land is untenable in law and hence, the orders of the Assistant Commissioner and Deputy Commissioner are untenable and the writ petition may be allowed.

Additional Government Advocate submits that an appropriate orders may be passed.

4. Heard the arguments and perused the papers with care.

5. This issue is limited to resumption proceedings. The land in question was granted to Sri.Eranaika, in 1977. After his death, the family of the grantee have sold the property through a registered sale deed dated 22.04.1993.

Nearly 28 years after the sale, in 1993, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner allowed the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 28 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 28 years, especially since the rights in the land were settled by the sale deed in 1993. 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 29.12.2022 passed by the Assistant Commissioner

vide Annexure-B, and the order dated 15.02.2024 passed by the Deputy Commissioner vide Annexure-A are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to 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.: 2 Sl No.: 16