HC-KAR

NC: 2026:KHC:61618
WP No. 7153 of 2024

CNR: KAHC010119492024

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. 7153 OF 2024 (SC/ST)

BETWEEN:

1. SRI VENKATARAYAPPA
   S/O LATE DODDA MUNIYAPPA
   AGED ABOUT 70 YEARS,

2. SMT. MUNIYAMMA
   W/O LATE MUNIYAPPA
   AGED ABOUT 80 YEARS,
   SINCE DEAD,
   PETITIONERS NO.3 TO 8 ARE THE
   LEGAL REPRESENTATIVES OF THE PETITIONER NO.2,
   AS PER COURT ORDER DATED 05.11.2026.

3. SRI BYRAPPA
   S/O LATE MUNIYAPPA
   AGED ABOUT 60 YEARS

4. SRI NARAYANASWAMY
   S/O LATE MUNIYAPPA
   AGED ABOUT 58 YEARS

5. SRI VENKATESH
   S/O LATE MUNIYAPPA
   AGED ABOUT 55 YEARS

6. SRI RAJANNA
   S/O LATE MUNIYAPPA
   AGED ABOUT 52 YEARS,

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

7. SRI KRISHNAPPA
S/O LATE MUNIYAPPA
AGED ABOUT 60 YEARS

PETITIONERS NO.1 TO 7 ARE
R/AT MALLENAHALLI VILLAGE,
JANGAMAKOTE HOBLI,
SIDLAGHATTA TALUK.

8. SMT. ANJINAMMA
D/O LATE MUNIYAPPA
W/O SRI RAMESH
AGED ABOUT 45 YEARS,
R/AT HALLE SAMPIGEHALLI,
ANEKAL TALUK,
BENGALURU RURAL DISTRICT.

…PETITIONERS

(BY SRI. A MADHUSUDHANA RAO, ADVOCATE;
VIDE COURT ORDER DATED 05.11.2026,
PETITIONERS NO.3 TO 8 ARE LRS OF PETITIONER NO.2)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
REVENUE DEPARTMENT
MS BUILDINGS,
BENGALURU - 560009

2. THE DEPUTY COMMISSIONER,
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA

3. THE ASSISTANT COMMISSIONER
CHIKKABALLAPURA SUB-DIVISION,
CHIKKABALLAPURA

4. SMT. ERAMMA
W/O SRI MUNIYAPPA

AGED ABOUT 80 YEARS
R/AT MALLENAHALLI VILLAGE,
JANGAMAKOTE HOBLI,
SIDLAGHATTA TALUK.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
R4 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 ORDERS, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.A.Madhusudhana Rao., counsel for the petitioners and Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 3 appeared in person.

Though the matter is listed today for orders, with consent, it is heard finally.

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.

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 1949. In 1983, the grantee executed one registered mortgage deed in favor of petitioner No.1 and another registered mortgage deed in favor of petitioner Nos.2 to 8. However, contending that there is violation of the PTCL Act, nearly 25 years after the sale, resumption proceedings were initiated by the family members of the grantee in 2008.

The Assistant Commissioner allowed the claim the Deputy Commissioner confirmed the order. However, both the Assistant and Deputy Commissioners overlooked the nearly 25-years delay in initiating these proceedings. They 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 25 years, especially since the rights in the land were settled in 1983. 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 11.10.2013 passed by the Assistant Commissioner vide Annexure-K, and the order dated 20.12.2021 passed by the Deputy Commissioner vide Annexure-N 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.

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.: 2 Sl No.: 6