HC-KAR

NC: 2026:KHC:59488
WP No. 9695 of 2021

CNR: KAHC010131942021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 9695 OF 2021 (SC/ST)

BETWEEN:

IKRAM PASHA
S/O NOORULLA HUSSAIN
AGED ABOUT 73 YEARS
NO.246, 1ST MAIN
DOLLARS COLONY, RMV 2ND STAGE,
BENGALURU - 560094.

...PETITIONER

(BY SRI. NARASIMHAMURTHY, ADVOCATE FOR
SRI. S.A.SUDHINDRA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY
REVENUE DEPARTMENT
M.S.BUILDING
DR AMBEDKAR VEEDHI
BENGALURU - 560001.

2. THE DEPUTY COMMISSIONER
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA - 562101

3. THE ASSISTANT COMMISSIONER
CHIKKABALLAPURA DISTRICT
CHIKKABALLAPURA - 562101

4. N.NANDEESH
S/O NANJAPPA
JATHAWARA HOSAHALLI VILLAGE,

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

JATHAWARA POST, NANDI HOBLI,
CHIKKABALLAPURA TALUK -562101

…RESPONDENTS

(BY SMT. SAVITHRAMM, AGA FOR R1 TO R3;
SRI. BRIJESH PATIL, 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.Narasimhamurthy., counsel appearing on behalf of Sri.S.A.Sudhindra., for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 3, and Sri.Brijesh Patil., counsel for respondent No.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 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.

Counsel for respondent No.4 in presenting his arguments justified the orders passed by the Assistant Commissioner and the Deputy Commissioner. He further argued that the land was granted and there was some delay in filing the application for resumption of the land. The Assistant Commissioner and the Deputy Commissioner rightly condoned the delay and resumed the land. Counsel,

therefore, submits that the petition is devoid of merits and the same may be dismissed.

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 1977. Later, the subject land was sold in 1996 through a registered sale deed.

Nearly 11 years after the sale, in 2007, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner has allowed the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who dismissed the appeal. However, both the Assistant and Deputy Commissioners overlooked the nearly 11 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 11 years, especially since the rights in the land were settled by the sale deed in 1996. 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 14.12.2012 passed by the Assistant Commissioner vide Annexure-B, and the order dated 09.06.2014 passed by the Deputy Commissioner vide Annexure-C 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

CH
List No.: 1 Sl No.: 23