HC-KAR

NC: 2026:KHC:61221
WP No. 5658 of 2025

CNR: KAHC010133112025

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. 5658 OF 2025 (SC/ST)

BETWEEN:

SRI SATHYA
S/O LATE SRI. SIDDAIAH,
AGED ABOUT 48 YEARS,
R/AT KANCHUGARAHALLI,
BIDADI POST AND HOBLI,
RAMANAGARA TALUK,
RAMANAGARA DISTRICT,
PINCODE - 562109.

...PETITIONER

(BY SMT. N.ROOPA, ADVOCATE FOR
SRI. RAMESH G., ADVOCATE AND
SRI. SHRIDHAR, ADVOCATE)

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

AND:

1. THE DEPUTY COMMISSIONER
RAMANAGARA DISTRICT,
RAMANAGARA-562159.

2. THE ASSISTANT COMMISSIONER
RAMANAGARA SUB-DIVISION,
RAMANAGARA-562159.

3. THE SPECIAL LAND ACQUISITION OFFICER,
NO. 39, KIADB, BHARATH SCOUT BUILDING,
SHANTHI GRAHA, 4TH PHASE, PALACE ROAD,
BENGALURU - 560001.

4. SMT. POOJAMMA,
W/O LATE SRI. MUNIYAPPA,
AGED ABOUT 55 YEARS,

5. SRI NARASIMHAIAH,
S/O LATE SRI. SIDDAIAH,
AGED ABOUT 53 YEARS,

6. SRI. KRISHNAPPA,
S/O LATE SRI. SIDDAIAH,
AGED ABOUT 50 YEARS,

PETITIONERS NO.4 TO 6 ARE
R/AT KANCHUGARAHALLI,
BIDADI POST AND HOBLI,
RAMANAGARA TALUK,
RAMANAGARA DISTRICT,
PIN CODE - 562109.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. SHARANADEEP, ADVOCATE FOR R3;
SRI. PARAMESHWAR N.HEGDE, ADVOCATE FOR R4 TO R6)

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

Smt.N.Roopa., counsel for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 and 2, Sri.Sharanadeep., counsel for

respondent No.3 and Sri.Parameshwar N. Hegde., counsel for respondent Nos.4 to 6 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 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 the petitioner, in presenting her arguments, contends that suo motu proceedings were initiated in 1984–85 and the authority concerned had dropped the proceedings, which had attained finality. However, after a lapse of almost 30 years, a fresh application seeking resumption proceedings was initiated in 2023–24. The Assistant Commissioner erroneously allowed the claim, and the Deputy Commissioner also erroneously confirmed the order. Urging additional grounds, she submits that the orders may be set aside.

AGA submits that an appropriate order may be passed.

4. The Court heard the arguments and carefully perused the papers.

5. The present issue is confined to the resumption proceedings. The land in question was originally granted to the grantee in the year 1962 and was subsequently alienated in favor of the purchaser under a registered sale deed dated 1979.

Thereafter, resumption proceedings were initiated before the Assistant Commissioner during the year 1984–85. However, the said proceedings were dropped by the Assistant Commissioner, as is evident from the averments made in paragraph No.7 of the petition. Consequently, the earlier proceedings had attained finality.

Despite the same, after an inordinate lapse of nearly 44 years from the date of alienation, fresh resumption proceedings were initiated before the Assistant Commissioner in the year 2023. The Assistant Commissioner allowed the petition and ordered resumption of the land. Aggrieved by the said order, the petitioner preferred an appeal before the Deputy Commissioner, who

proceeded to affirm the order passed by the Assistant Commissioner.

However, both the Assistant Commissioner and the Deputy Commissioner failed to consider the inordinate and unexplained delay of nearly 44 years in initiating the fresh resumption proceedings. They also failed to examine the specific contention raised by the petitioner regarding delay and laches and whether the proceedings could be sustained after such an unreasonable lapse of time.

The authorities were required to consider whether the resumption proceedings could be initiated and sustained after nearly 44 years, particularly when the rights in respect of the subject land had been crystallised pursuant to the registered sale deed of 1979 and the earlier resumption proceedings had already been dropped. The failure to consider these vital aspects, particularly the question of delay and laches, has resulted in the impugned orders being passed without adjudicating upon a material

and relevant issue, thereby rendering the orders unsustainable.

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 26.09.2024 passed by the Assistant Commissioner

vide Annexure-B, and the order dated 20.02.2025 passed by the Deputy Commissioner vide Annexure-A 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

AM
List No.: 1 Sl No.: 45