HC-KAR

NC: 2026:KHC:55429
WP No. 36866 of 2018

CNR: KAHC010136952018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.36866 OF 2018 (SC/ST)

BETWEEN:

SHRI ANJANAPPA @ B K ANJANAPPA
S/O KRISHNAPPA,
AGED ABOUT 35 YEARS,
RESIDENT OF BYRATHI VILLAGE,
BIDARAHALLI HOBLI,
BANGALORE EAST TALUK,
BANGALORE DISTRICT.

...PETITIONER

(BY SRI. NAVEED AHMED, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT,
FOURTH FLOOR, DC OFFICE BUILDING,
REVENUE COMPLEX,
K.G.ROAD, BENGALURU
KARNATAKA-560 009.

2. THE ASSISTANT COMMISSIONER
BANGALORE NORTH SUB-DIVISION,
BANGALORE-560 001.

3. SMT. THARABAI
W/O SHANTILAL,
AGED ABOUT MAJOR,
NO.7/72, 5TH CROSS,
HENNUR MAIN ROAD,
LINGARAJAPURAM,
BANGALORE-560 084.

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

4. JOSEPH THOMAS
S/O THOMAS POTHAN,
AGED ABOUT 60 YEARS,
R/AT "THOPPILKANDATHI"
10TH KILOMETER STONE,
HENNUR MAIN ROAD,
KALYAN NAGAR,
BANGALORE-560 043.

5. SMT. MADDURAMMA,
W/O. LATE MUNIYAPPA,
AGED BAOUT 67 YEARS,

6. SMT. DASAMMA,
W/O. SRI. VENKATARAYA,
AGED ABOUT 50 YEARS,

7. SMT. MUNIYAMMA,
W/O. SRI. YALLAPPA,
AGED ABOUT 46 YEARS,

8. SMT. BASAMMA,
W/O. SRI. MUNIYAPPA,
AGED ABOUT 43 YEARS,

9. SRI. NAGARAJA,
S/O. LATE MUNIYAPPA,
AGED ABOUT 42 YEARS,

10. SMT. ANJINAMMA,
W/O. SRI. NAGARAJA,
AGED ABOUT 38 YEARS,

THE PROPOSED RESPONDENTS
NO.5 TO 10 ARE
R/AT BYRATHI VILLAGE,
KOTHANURU POST,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA., FOR R.1 AND R.2;
VIDE COURT ORDER DATED 05.10.2026,
NOTICE TO R.3 IS DISPENSED WITH;
SRI. ARJUN REGO, ADVOCATE FOR
SRI. REGO L.P.E., ADVOCATE FOR C/R.4;
SRI. M. RUDRESH, ADVOCATE FOR
PROPOSED R.5 TO R.10 ON I.A.1/2020. (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 ORDERS, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Naveed Ahmed, counsel for the petitioner, Additional Government Advocate for respondent Nos.1 and 2 and Sri.Arjun Rego, counsel on behalf of Sri.Rego L P E., for caveator/ respondent No.4 appeared in person.

2. The petition is filed seeking a writ of certiorari to quash the order dated:27.07.2018 passed by the Deputy Commissioner. This order is 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 appearing for the petitioner submits that the Deputy Commissioner has failed to consider the issue in its proper perspective. It is contended that the order contains unnecessary discussion with regard to presumptions, contemporaneous documents, smudging and presumptive values. He further submits that no cogent reasons have been assigned for allowing the appeal. Urging additional grounds, counsel submits that the petition be allowed.

The Additional Government Advocate submits that an appropriate order may be passed in accordance with law.

Counsel Sri. Arjun, appearing for the caveator/respondent No.4, raising several contentions, supports the order passed by the Deputy Commissioner. He submits that the petition is devoid of merit and, accordingly, submits for dismissal of the petition.

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

5. The issue involved in the present petition is confined to the resumption proceedings. The land in question was granted in 1964 and was sold to respondent No.3 in 1994, who, in turn, sold the same in favor of respondent No.4 in 1997. The resumption proceedings were initiated in 2009. The purchaser raised several contentions, including the plea of delay and laches.

The Assistant Commissioner allowed the claim for resumption. However, in the appeal preferred therefrom, the Deputy Commissioner set aside the order passed by the Assistant Commissioner.

The order of the Deputy Commissioner has been produced along with the writ petition and is marked as Annexure-A. A careful perusal of Annexure-A indicates that the Deputy Commissioner has not considered the matter in its proper perspective. The order does not contain any cogent reasons for allowing the appeal, nor does it deal with the relevant provisions of the Act in their proper perspective.

In view of the above, this Court deems it appropriate to remand the matter to the Deputy Commissioner for fresh consideration. The Deputy Commissioner is directed to reconsider the matter in accordance with law and strictly in accordance with the provisions of the PTCL Act, and pass appropriate orders within a period of two months from the receipt of a certified copy of this order.

6. For the foregoing reasons, the order of the Deputy Commissioner is liable to be set aside. The matter is remanded to the Deputy Commissioner.

7. The writ of certiorari is ordered. The order dated 27.07.2018 passed by the Deputy Commissioner vide Annexure-A is quashed. Since the petitioner and respondent No.4 are represented by their respective counsel, they are directed to appear before the Deputy Commissioner on 27.10.2026.

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.: 17