HC-KAR

NC: 2026:KHC:60572
WP No. 61792 of 2016

CNR: KAHC010142612016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.61792 OF 2016 (SC-ST)

BETWEEN:

1. SANNAMMA
   W/O LATE PARASHURAMAIH,
   AGED ABOUT 69 YEARS,

2. P. BASAVARAJU
   S/O PARASHURAMAIH,
   AGED ABOUT 42 YEARS,

   BOTH ARE RESIDING OF:
   BIKKEGUDDA KAVALU,
   2ND COLONY, GALAGA POST,
   GUBBI TALUK,
   TUMKUR DISTRICT - 572 216.

...PETITIONERS

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

(BY SRI. JAGDISH SHASTRI, ADVOCATE FOR P1 - ABSENT;
SRI. N.VIJAYA KUMAR, ADVOCATE
SRI. B.R.SRINIVASA GOWDA, ADVOCATE FOR P2)

AND:

1. THE DEPUTY COMMISSIONER
   TUMKUR DISTRICT,
   TUMKUR - 572 101.

2. THE ASSISTANT COMMISSIONER
   TUMKUR SUB-DIVISON,

TUMKUR DISTRICT,
TUMKUR - 572 101.

3. SMT. LINGAYELLAMMA
AGED ABOUT 56 YEARS,
RESIDING AT C/O SANNA YELLAIAH,
BASTIKATTE KAVALU,
KASABA HOBLI, GUBBI TALUK,
TUMKUR DISTRICT - 572 216.

4. SRI. J.D.NARASIMHAMURTHY
S/O DODDANARASIMHAIAH,
MAJOR IN AGE,
RESIDING AT BAVIHATTI,
GUBBI POST,
TUMKUR DISTRICT - 572 216.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
VIDE ORDER DATED 23.11.2024,
PETITION AGAINST R3 STANDS DISMISSED;
VIDE ORDER DATED 09.01.2023,
NOTICE TO R4 HELD SUFFICIENT)

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.N.Vijayakumar, counsel on behalf of Sri.B.R.Srinivasa Gowda., for petitioner No.2 and Smt.Savithramma., Additional Government Advocate for respondent Nos.1 and 2 appeared in person.

There is no representation on behalf of petitioner No.1.

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 order passed by the Assistant Commissioner and 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.

The Additional Government Advocate submits that the alienation of the land took place in the year 1981. However, the resumption proceedings were initiated only in the year 2000, after an inordinate delay of 19 years. She further submits that the alienation was in violation of the provisions of the PTCL Act and, therefore, the order of resumption is justified. Advancing further submissions on additional grounds, she contends that the writ petition is devoid of merit and, accordingly, seeks dismissal of the same.

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

5. The present issue is confined to the resumption proceedings. The land in question was granted to the original grantee in the year 1971 and was subsequently alienated in the year 1981. However, the resumption proceedings were initiated only in the year 2000, after an inordinate delay of 19 years.

The Assistant Commissioner initially dismissed the claim. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who remanded the matter to the Assistant Commissioner for fresh consideration. Pursuant to the remand, the Assistant Commissioner, upon reconsideration, again dismissed the claim. Aggrieved by the said order, a further appeal was preferred before the Deputy Commissioner, who also dismissed the claim.

In the considered opinion of this Court, the very initiation of the resumption proceedings is legally unsustainable, having regard to the inordinate and unexplained delay of 19 years. The subject land was alienated in the year 1981, whereas the proceedings seeking its resumption were initiated only in the year 2000. Such an inordinate lapse of time cannot be overlooked while examining the legality of the resumption proceedings. The delay and laches on the part of the family members of the original grantee in initiating the proceedings assume significance and render the very initiation of the resumption proceedings unsustainable in law.

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.

6. In view of the above, I find no grounds to interfere with the impugned orders. Resultantly, the writ petition is ***dismissed***. As this Court has dismissed the petition, the authority concerned is hereby directed to restore respondent No.4's name in the subject land in the revenue records.

On dismissal 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.: 18