HC-KAR

NC: 2026:KHC:60577
WP No. 56147 of 2017

CNR: KAHC010164362017

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. 56147 OF 2017 (SC-ST)

BETWEEN:

1. SRI. MUDDEGOWDA
   AGED ABOUT 67 YEARS,
   S/O LATE BOREGOWDA,

2. SRI. KAPINIGOWDA
   AGED ABOUT 82 YEARS,
   S/O LATE BOREGOWDA,

   BOTH ARE R/OF CHIKKENAHALLI VILLAGE,
   HIRISAVE HOBLI, CHANNARAYAPATNA TALUK,
   HASSAN DISTRICT - 573 116.

…PETITIONERS

(BY SRI. H R MANJUNATH, ADVOCATE)

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

AND:

1. THE DEPUTY COMMISSIONER
   HASSAN DISTRICT,
   HASSAN - 573 201.

2. THE ASSISTANT COMMISSIONER
   HASSAN SUB-DIVISION,
   HASSAN - 573 201.

3. SRI. SIDDAIAH
   AGED ABOUT 55 YEARS,
   S/O LATE BORAIAH,
   R/O SOSALEGERE,
   NUGGEHALLI HOBLI,

CHANNARAYAPATNA TALUK,
HASSAN DISTRICT - 573 116.

4. SRI. SHIVANANJEGOWDA
AGED ABOUT 78 YEARS,
S/O LATE BOREGOWDA,
R/O: CHIKKENAHALLI VILLAGE,
HIRISAVE HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT - 573 116.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. H.MOHAN KUMAR, ADVOCATE FOR R3 - ABSENT;
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 HEARING, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.H.R.Manjunatha., counsel for the petitioners and Smt.Savithramma., AGA for respondent Nos. 1 and 2 in appeared in person.

There is no representation on behalf of counsel for respondent No.3.

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.

AGA submits that an appropriate order may be passed.

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

5. The issue involved in the present case is confined to the resumption proceedings. The land in question was originally granted to the grantee in the year 1958 and was subsequently alienated in 1974 under a registered sale deed. Thereafter, the land was further sold in 1985.

Nearly 21 years after the initial alienation, resumption proceedings were initiated before the Assistant Commissioner in 1995. The Assistant Commissioner allowed the application and ordered resumption of the land in favor of the grantee's family. In appeal, the Deputy Commissioner set aside the said order and directed resumption of the land in favor of the Government. However, the purchasers continued to remain in

possession of the property. In 2017, when a third party interfered with their possession, the purchasers were constrained to approach the revenue authorities seeking appropriate relief.

A perusal of the orders passed by the Assistant Commissioner and the Deputy Commissioner indicates that both authorities failed to consider the inordinate delay of nearly 21 years in initiating the resumption proceedings. They have also failed to examine the plea of laches raised by the petitioners and whether such proceedings could be initiated after an unreasonable lapse of time.

The authorities were required to examine the effect of such prolonged delay, particularly when the rights over the property had been dealt with under a registered sale deed as early as in 1974. Failure to consider this vital aspect has resulted in orders of resumption being passed without addressing a material issue having a direct bearing on the matter.

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 06.03.1995 passed by the Assistant Commissioner vide Annexure-L, and the order dated 19.05.1997 passed by the Deputy Commissioner vide Annexure-M 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

AM
List No.: 1 Sl No.: 40