HC-KAR

NC: 2026:KHC:61653
WP No. 10727 of 2025

CNR: KAHC010221832025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 10727 OF 2025 (SC/ST)

BETWEEN:

SRI. P.MUNIREDDY,
S/O. GANGULAREDDY @ GANGALA REDDY,
AGED ABOUT 85 YEARS,
R/AT DINNAKOTHURU VILLAGE,
BUDIKOTE HOBLI,
YELESANDRA POST,
BANGARPET TALUK,
KOLAR DISTRICT - 563114.

...PETITIONER

(BY SRI. CHETHAN A., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
   KOLAR DISTRICT - 563103.

2. THE ASSISTANT COMMISSIONER,
   KOLAR SUB-DIVISION,
   KOLAR - 563101.

3. SRI. NARAYANAPPA,
   S/O. LATE CHIKKA MUNEPPA,
   AGED ABOUT 65 YEARS,
   R/AT DINNAKOTHURU VILLAGE,
   BUDIKOTE HOBLI, YELESANDRA POST,
   BANGARPET TALUK,
   KOLAR DISTRICT - 563114.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. ABUBACKER SHAFI, ADVOCATE FOR R3)

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

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.Chethan.A., counsel for the petitioner and Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 & 2 appeared in person.

Sri.Abubacker Shafi., counsel for respondent No.3 appeared via video conferencing.

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.

The counsel appearing for respondent No. 3 sought to justify the action taken by the Assistant Commissioner and the Deputy Commissioner in initiating and allowing the resumption proceedings. He contended that the land in

question was not a free grant and that the same had been sold through a public auction. Raising additional grounds in support of the impugned orders, counsel submitted that the writ petition is devoid of merit and is therefore liable to be dismissed.

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

5. The present issue is confined to the resumption proceedings. Suffice it to note that the land in question was originally granted in the year 1968 and was subsequently conveyed to the petitioner under a registered Sale Deed dated 1983. However, the proceedings for resumption of the land were initiated before the Assistant Commissioner only in the year 2022, after an inordinate delay of nearly 39 years from the date of the sale. The Assistant Commissioner allowed the application 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 delay of nearly 39 years in initiating the resumption proceedings. They have also failed to examine the question of delay and laches, despite the specific contention of the petitioner that the proceedings were initiated after an unreasonable and unexplained lapse of time. The authorities ought to have considered whether the power of resumption under the PTCL Act could be exercised after such an extraordinary delay, particularly when the rights over the subject property had been crystallised pursuant to the registered Sale Deed of 1983. The failure to consider this material aspect has resulted in the passing of the impugned orders without addressing a vital issue going to the root of the matter.

Further, it is relevant to note that the registered Sale Deed of 1983 has been produced along with the writ petition and is marked as Annexure-C. A perusal of the said document clearly establishes that the applicant's father had conveyed the subject property in favor of the petitioner in the year 1983. Significantly, the applicant, Mr. Narayanappa, has himself signed the said Sale Deed as a consenting witness. Thus, having been a consenting witness to the very transaction under which the property was conveyed in favor of the petitioner, the applicant had knowledge of and was associated with the transaction. Despite the same, he initiated proceedings for resumption of the land alleging violation of the provisions of the PTCL Act only in the year 2022, after an extraordinary delay of nearly 39 years. This significant circumstance, which has a direct bearing on the question of delay and laches, has been completely overlooked by both the authorities while passing the impugned orders.

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-E2, and the order dated 04.02.2025 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

MRP
List No.: 2 Sl No.: 25