HC-KAR

NC: 2026:KHC:61645
WP No. 9663 of 2023

CNR: KAHC010228622023

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. 9663 OF 2023 (SC/ST)

BETWEEN:

1. SRI. MANJUNATH N.P.,
   S/O. LATE N.G.PILLAPPA,
   AGED ABOUT 52 YEARS,

2. SRI. VENKATASWAMY,
   S/O. LATE N.G.PILLAPPA,
   AGED ABOUT 48 YEARS,

   BOTH ARE R/AT NADUVATTI VILLAGE,
   KASABA HOBLI,
   HOSAKOTE TALUK,
   BENGALURU DISTRICT - 562 114.

...PETITIONERS

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

(BY SRI. VISHWANATH R. KABADGI, ADVOCATE FOR
SRI. SHIRISH KRISHNA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   BY ITS SECRETARY TO GOVERNMENT,
   REVENUE DEPARTMENT,
   M.S BUILDING, BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER
   AND DISTRICT MAGISTRATE,
   JILLADALITHA BHAVANA, 1ST FLOOR,
   BEERASANDRA VILLAGE,

KUNDANA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 110.

3. THE DEPUTY COMMISSIONER
BENGALURU RURAL DISTRICT
V.V. TOWER,
VIDHANA VEEDHI,
BENGALURU - 560 001.

4. THE ASSISTANT COMMISSIONER,
DODDABALLAPURA SUB-DIVISION,
PHODIUM BLOCK,
SIR M.VISHVESHWARAIAH TOWER,
VIDHANA VEEDHI,
BENGALURU - 560001.

5. SRI. R.VENKATAREDDY,
S/O. VEMAREDDY,
AGED ABOUT 69 YEARS,
R/AT NO. 2755, M.C COLONY,
B-BLOCK, DAVANAGERE - 577 601.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. P.N.NANJA REDDY, ADVOCATE FOR R5)

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.Vishwanath R. Kabadgi., counsel on behalf of Sri.Shirish Krishna., for the petitioners appearing through video conferencing.

Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 4 and Sri.P.N.Nanja Reddy., counsel for respondent No.5 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 order 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 for the petitioners in presenting his arguments justified the resumption. As there was a violation, the initiation of resumption proceedings are justified. Urging additional grounds, he submits that the order passed by the Deputy Commissioner may be set aside.

Counsel for the petitioners placed reliance on the following decisions:

(i) Sri.M.Nataraja and Another V/s The Deputy Commissioner and Others [W.A.No.1649/2023];

(ii) *Sri.Govindappa V/s The State of Karnataka and Others [W.A.No.1066/2023];*

(iii) *Smt.M.Manjula and Others V/s The Deputy Commissioner and Others [W.A.No.210/2023];*

(iv) *Satyan V/s The Deputy Commissioner and Others [(2020) 14 SCC 210];*

(v) *Shardhamma and Another V/s The Deputy Commissioner and Others [SLP (Civil) No.34332/2010];*

(vi) *Chhedilal Yadav V/s Harikishore Yadav and Others [2018 (12) SCC 527];*

(vii) *Nekkanti Ramalakshmi V/s State of Karnataka [2020 (14) SCC 232];*

(viii) *Vivek M. Hinduja and Others V/s M.Ashwatha and Others [2020 (14) SCC 228];*

(ix) K.T.Shivaprakash V/s The Deputy Commissioner and Others [2021 (5) KCCR 648];

(x) Siddappa V/s Byate Thimmaiah and Others [1991 (4) Kar.L.J. 240]"

Counsel for respondent No.5 submits that the alienation has taken place in 1995, however, the resumption proceedings were initiated in 2004 after considerable delay and laches of 9 years.

Additional Government Advocate submits that an appropriate order may be passed.

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

5. The present issue is confined to the resumption proceedings. The subject land was originally granted to the grantee in the year 1941 and was subsequently sold in the year 1995.

The proceedings seeking resumption of the subject land were initiated before the Assistant Commissioner in the year 2004, after a lapse of nearly 9 years from the date of sale. The Assistant Commissioner, upon consideration of the claim, dismissed the same. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who set aside the order passed by the Assistant Commissioner. Challenging the said order, respondent No. 5 preferred W.P. No. 14398/2007 before this Court. By order dated 15.09.2011, this Court quashed the order passed by the Deputy Commissioner and remanded the matter to the Deputy Commissioner for fresh consideration.

Pursuant to the said remand, the Deputy Commissioner reconsidered the matter and dismissed the appeal, thereby restoring the order passed by the Assistant Commissioner. Aggrieved by the said order, respondent No. 5 once again approached this Court by

filing W.P. No. 11123/2012. By order dated 18.10.2019, this Court remanded the matter to the Deputy Commissioner for fresh consideration.

Thereafter, upon reconsideration of the matter pursuant to the second remand, the Deputy Commissioner rejected the claim, specifically taking note of the delay and laches on the part of the family members of the original grantee in initiating the resumption proceedings.

Undoubtedly, the PTCL Act was enacted to protect members of Scheduled Castes and Scheduled Tribes from exploitation by prohibiting alienation of granted lands without prior permission. The remedy of resumption is available to protect the grantee against unauthorized transfers. However, when the grantee or his heirs voluntarily execute a registered sale deed, they cannot later invoke the Act to nullify their own transaction. Thus, the right to challenge it is limited. The Act's protective umbrella is intended to shield the grantee from

exploitation by others, not to allow the grantee to repudiate his own act. Courts therefore apply estoppel against the grantee.

The Deputy Commissioner was justified in taking note of the inordinate delay and laches in initiating the resumption proceedings and has rightly rejected the claim. I find no illegality or infirmity in the order passed by the Deputy Commissioner warranting interference by this Court.

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.

Counsel for the petitioners placed reliance on the decisions referred to supra. But I do not think that the law is in doubt. Each decision turns on its own facts. The present case is also tested in the light of the aforesaid decision.

6. Accordingly, the writ petition, being devoid of merit, is hereby ***dismissed***.

Because of dismissal of the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

Sd/-
(JYOTI M)
JUDGE

AM
List No.: 2 Sl No.: 19