HC-KAR

NC: 2026:KHC:61648
WP No. 12258 of 2024

CNR: KAHC010251232024

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. 12258 OF 2024 (SC/ST)

BETWEEN:

1. SRI. NARAYANA SHETTY,
   S/O. LATE RAGHUNATHA SHETTY,
   AGED ABOUT 71 YEARS,

2. SRI. GOVINDHA SHETTY,
   S/O. LATE RAGHUNATHA SHETTY,
   AGED ABOUT 66 YEARS,

3. SRI. PRAKASH SHETTY,
   S/O. LATE RAGHUNATHA SHETTY,
   AGED ABOUT 59 YEARS,

4. SRI. RAMESH SHETTY
   S/O. LATE RAGHUNATHA SHETTY,

   ALL ARE R/AT BUDIKOTE VILLAGE,
   BANGARPET TALUK,
   KOLAR DISTRICT-563114.

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

...PETITIONERS

(BY SRI. MADHUSUDAN, ADVOCATE FOR
SRI. VISWANATHA SETTY V., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   REPRESENTED BY ITS CHIEF SECRETARY,
   VIDHANA SOUDHA,
   DR. B.R.AMBEKDAR VEEDHI,
   BENGALURU-560001.

2. THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,
KOLAR-563102.

3. THE ASSISTANT COMMISSIONER,
KOLAR SUB-DIVISION,
KOLAR-563102.

4. SRI. CHANDRAPPA N.,
S/O. LATE NALLANABHOVI,
AGED ABOUT 44 YEARS
R/AT MUTTENAHALLI VILLAGE,
BUDIKOTE HOBLI,
BANGARAPETE TALUK,
KOLAR DISTRICT-563114.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. A.N.GANGADHARAIAH, ADVOCATE FOR R4)

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.Madhusudan., counsel on behalf of Sri.Viswanatha Setty V., for the petitioners; Smt.Savithramma., Additional Government Advocate for

respondent Nos.1 to 3, and Sri.A.N.Gangadharaiah., counsel for respondent No.4 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 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 orders may be passed.

Counsel for respondent No.4 submits that, in view of the violation of the provisions of the PTCL Act, the resumption of the land is justified. He further contends that civil proceeding in respect of the property is pending and there is no delay or laches on the part of the family of the grantee in seeking resumption proceedings. Urging additional grounds, counsel submits that the writ petition is devoid of merit and is 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. The land in question was originally granted to the grantee in 1945 and was subsequently conveyed under

a registered Sale Deed in 1966. However, resumption proceedings were initiated before the Assistant Commissioner only in 2013, after a lapse of nearly 47 years from the date of sale and 34 years from the coming into force of the PTCL Act. The Assistant Commissioner initially dismissed the claim. Without challenging the said order, Respondent No. 4 filed a fresh application before the Assistant Commissioner, which was subsequently allowed, resulting in an order for resumption of the land. The said order was affirmed by the Deputy Commissioner in appeal.

However, both the Assistant Commissioner and the Deputy Commissioner failed to consider the inordinate and unexplained delay in initiating the resumption proceedings, particularly the lapse of nearly 47 years from the date of the registered Sale Deed and 34 years from the commencement of the PTCL Act. They also failed to examine the specific contention raised by the petitioners

regarding delay and laches and whether the proceedings could legally be initiated and sustained after such an unreasonable and unexplained passage of time.

The authorities were required to consider whether the exercise of power under the PTCL Act, after such an extraordinary lapse of time, was justified, particularly when the rights over the subject land had been crystallised pursuant to the registered Sale Deed of 1966. The failure to examine the question of delay and laches, which was a material and relevant consideration, has vitiated the impugned orders directing resumption of the land.

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.

The contentions regarding the filing of the suit and the status cannot be examined or adjudicated upon in the

present writ petition, as such questions fall outside the scope of the proceedings before this Court.

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 13.10.2023 passed by the Assistant Commissioner vide Annexure-F, and the order dated 06.03.2024 passed by the Deputy Commissioner vide Annexure-G 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.: 2 Sl No.: 21