HC-KAR

NC: 2026:KHC:59493
WP No. 12982 of 2025

CNR: KAHC010295482025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 12982 OF 2025 (SC/ST)

BETWEEN:

SMT GOWRAMMA
W/O. MARIGOWDA
SINCE DEAD BY HER LRS

1. M.RANGASWAMY
   S/O LATE GOWRAMMA AND MARIGOWDA
   AGED ABOUT 62 YEARS

2. JAYARAM
   S/O LATE GOWRAMMA AND MARIGOWDA
   AGED ABOUT 58 YEARS

3. RAMESHA
   S/O LATE GOWRAMMA AND MARIGOWDA
   AGED ABOUT 59 YEARS

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

4. RAJANNA
   S/O LATE GOWRAMMA AND MARIGOWDA
   AGED ABOUT 56 YEARS

5. PANDU
   S/O LATE GOWRAMMA AND MARIGOWDA
   AGED ABOUT 54 YEARS

ALL ARE RESIDING AT ABBUR VILLAGE,
KASABA HOBLI, CHANNAPATNA TALUK,
RAMANAGARA DISTRICT- 562 160.

...PETITIONERS

(BY SRI. SOMASHEKARA K.M., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
   RAMANAGARA DISTRICT,
   RAMANAGARA-562 159.

2. THE ASSISTANT COMMISSIONER
   RAMANAGARA SUB-DIVISION,
   RAMANAGARA-562 159.

3. THE TAHSILDAR
   CHANNAPATNA TALUK,
   RAMANAGARA DISTRICT-562 160.

4. A.C.MAHADEVASWAMY,
   S/O LATE CHIKKONU @ CHIKKANNA
   @ CHIKKAIAH
   AGED ABOUT 39 YEARS

5. A.C. RAJU
   S/O. LATE CHIKKONU @ CHIKKANNA
   @ CHIKKAIAH
   AGED ABOUT 36 YEARS

6. SMT. PUTTAGOWRI
   D/O LATE CHIKKONU @ CHIKKANNA
   @ CHIKKAIAH
   AGED ABOUT 42 YEARS

7. SMT. PANKAJA
   D/O LATE CHIKKONU @ CHIKKANNA
   @ CHIKKAIAH
   AGED ABOUT 40 YEARS

8. SMT. RAJESHWARI
   D/O LATE CHIKKONU @ CHIKKANNA
   @ CHIKKAIAH
   AGED ABOUT 29 YEARS

9. SMT. CHIKKATHAYAMMA
D/O LATE CHIKKONU @ CHIKKANNA
@ CHIKKAIAH
AGED ABOUT 57 YEARS

RESPONDENTS NO.4 TO 9 ARE
RESIDING AT ABBUR VILLAGE,
KASABA HOBLI, CHANNAPATNA TALUK,
RAMANAGARA DISTRICT-562 160.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. KEMPEGOWDA, ADVOCATE FOR
SRI. SHIVANNA, ADVOCATE FOR R4 TO R9)

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.Somashekara.K.M., counsel for the petitioners, Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 3 and Sri.Kempegowda., counsel appearing on behalf of Sri.Shivanna., for respondent Nos.4 to 9 appeared in person.

In PTCL writ petitions, the orders passed by the Assistant Commissioner and the Deputy Commissioner are ordinarily called into question. This Court has frequently noticed discrepancies in the names of the original grantees and the dates of grant and alienation recorded in the impugned orders. Hence, for the sake of convenience, this Court refers to the parties as the "original grantee" and the relevant years of grant and alienation, instead of reproducing the names and dates.

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.

Counsel for the petitioners submits that because the land's unauthorized occupation was regularized, the provisions for resumption under the PTCL Act do not apply. The unauthorized occupation was officially regularized by

the concerned officer through an Official Memorandum in 1994. Consequently, any claim that the provisions of the PTCL Act were violated is wholly unsustainable.

3. Counsel for the respective parties advanced several contentions.

AGA submits that an appropriate orders may be passed.

Counsel for respondent Nos.4 to 9 in presenting his arguments vehemently contended that though the land was regularized in 1994, it attracts the provisions of the PTCL Act. Hence, he justified the orders of the Assistant Commissioner and the Deputy Commissioner. He further argued that the purchaser has played fraud on the legal heirs of the original grantee and has obtained the sale deed. Urging other grounds, he submits that the petition is devoid of merits and it may be dismissed.

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

5. The issue revolves within a narrow compass and it relates to the initiation of resumption proceedings. Suffice it to note that the land in question was in unauthorized occupation of the original grantee and it was regularized by issuance of an official memorandum on 06.01.1994. After the death of the original grantee, the family members of the original grantee have sold the property in 2001.

Nearly 15 years after the sale, in 2016, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner has allowed the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 15 years delay in initiating these proceedings. They failed to consider the issue of laches or the

petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 15 years, especially since the rights in the land were settled by the sale deed in 2001. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.

Moreover, the subject land was originally under unauthorised occupation and was subsequently regularised. In such circumstances, the question of initiating proceedings under the provisions of the PTCL Act would not arise. Further, the sale had taken place in the year 2001, the proceedings were initiated only in the year 2016, after a considerable lapse of time.

The allegation of fraud cannot be adjudicated in a writ petition, as it involves disputed questions of fact and 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.

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 08.07.2024 passed by the Assistant Commissioner vide Annexure-J, and the order dated 20.03.2025 passed by the Deputy Commissioner vide Annexure-L 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

CH
List No.: 1 Sl No.: 38