HC-KAR

NC: 2026:KHC:60219
WP No. 14200 of 2026

CNR: KAHC010301062026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.14200 OF 2026 (SC-ST)

BETWEEN:

SMT. RANGARATNAMMA
AGED ABOUT 79 YEARS,
REPRESENTED BY HER GPA HOLDER,
SRI. PRAKASH B, S/O BASAPPA,
AGED ABOUT 47 YEARS,
RESIDING AT NO.221/A,
JAGGANATH KRUPE,
PARVATHINAGAR, LAGGERE,
BENGALURU - 560 058.

...PETITIONER

(BY SRI. ASHOKA T., ADVOCATE)

AND:

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

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS PRINCIPAL SECRETARY,
   REVENUE DEPARTMENT,
   M.S. BUILDING,
   DR. B.R. AMBEDKAR VEEDHI,
   BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER
   SHIVAMOGGA DISTRICT,
   DISTRICT ADMINISTRATIVE CENTER,
   SHIVAMOGGA - 577 201.

3. THE ASSISTANT COMMISSIONER
   SHIVAMOGGA SUB-DIVISION,
   SHIVAMOGGA - 577 201.

4. THE TAHSILDAR
BHADRAVATHI TALUK,
BHADRAVATHI,
SHIVAMOGGA DISTRICT - 577 301.

5. SRI. NAVEEN KUMAR
AGED ABOUT 55 YEARS,
S/O LATE MOORTHY,
R/O BULLAPURA VILLAGE,
KASABA HOBLI, BHADRAVATHI TALUK,
SHIVAMOGGA DISTRICT - 577 301.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
R5 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 PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Ashoka.T., counsel for the petitioner and Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 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 order passed by the Assistant 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.

AGA submits that an appropriate order may be passed.

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

5. The issue in question is confined to the second resumption proceedings. The subject land was granted to the original grantee in 1953-54 and was subsequently alienated in favor of the purchaser under a registered sale deed executed in 1959.

Nearly 62 years after the alienation, resumption proceedings were initiated before the Assistant Commissioner in 2021. The Assistant Commissioner rejected the petition. The said order was challenged before the Deputy Commissioner, who affirmed the order of the Assistant Commissioner. Consequently, the orders attained finality.

Despite the same, fresh resumption proceedings were initiated before the Assistant Commissioner in 2023. On this occasion, the Assistant Commissioner allowed the petition and ordered resumption of the subject land.

In the considered opinion of this Court, the second application seeking resumption of the subject land was not

maintainable, particularly when the earlier resumption proceedings had already culminated in orders which had attained finality. However, the Assistant Commissioner failed to take note of the finality attached to the earlier proceedings. He also failed to examine the inordinate delay of nearly 64 years in initiating the proceedings for the second time and the plea of laches raised by the petitioner. The failure to consider the finality of the earlier proceedings, as well as the relevant aspects of delay and laches, has resulted in an order of resumption being passed without due consideration of material and relevant circumstances.

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 order passed by the Assistant Commissioner, directing resumption of the subject land,

cannot be legally sustained. Accordingly, the impugned order is liable to be set aside.

6. For the foregoing reasons, the order of the Assistant Commissioner is liable to be set aside.

7. The writ of certiorari is ordered. The order dated 08.04.2025 passed by the Assistant Commissioner vide Annexure-F is quashed. As this Court has quashed the order, 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.: 51