HC-KAR

NC: 2026:KHC:60571
WP No. 14688 of 2026

CNR: KAHC010329282026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 14688 OF 2026 (SC/ST)

BETWEEN:

SMT. KADIRAMMA
W/O LATE MUNISHAMMI
AGED ABOUT 66 YEARS
R/AT KURLAHALLI VILLAGE,
AVALAGURI POST, KASABA HOBLI,
CHIKKABALLAPURA DISTRICT-562101.

…PETITIONER

(BY SRI. M.C.ROSHAN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS
   PRINCIPAL SECRETARY
   DEPARTMENT OF REVENUE,
   VIDHANA SOUDHA,
   BENGALURU-560001.

2. THE DEPUTY COMMISSIONER
   CHIKKABALLAPURA DISTRICT
   OFFICE OF THE DEPUTY COMMISSIONER
   CHIKKABALLAPURA-562101.

3. THE ASSISTANT COMMISSIONER
   CHIKKABALLAPURA DISTRICT
   OFFICE OF THE ASSISTANT COMMISSIONER
   CHIKKABALLAPURA-562101

4. SRI. VENKATESHA K.,
   S/O KONDAPPA

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

AGED ABOUT 40 YEARS
R/AT KURLAHALLI VILLAGE
AVALAGURI POST, KASABA HOBLI,
CHIKKABALLAPURA DISTRICT-562101.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. HIRAN KRISHNASWAMY, 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 ORDERS, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.M.C.Roshan., counsel for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 3, and Sri.Hiran Krishnaswamy., 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 order passed by the Deputy Commissioner. The 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.

Counsel for respondent No.4 vehemently contended that the subject property was alienated without obtaining prior permission and within the stipulated non-alienation period. Inviting the attention of this Court to the amended provisions of the Act, he submitted that the resumption proceedings were initiated without any delay. On these grounds, he sought to justify the action of the Deputy Commissioner and contended

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. This issue is limited to resumption proceedings. The land in question was granted to original grantee, in 1973-74. Later, the subject land was sold in 1991 through a registered sale deed.

Nearly 24 years after the sale, in 2015, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner rejected the claim. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who set aside the order of the Assistant Commissioner. However, Deputy Commissioner overlooked the nearly 24-years delay in initiating these proceedings. Deputy Commissioner failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 24 years, especially since the rights in the land

were settled by the sale deed in 1991. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.

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 Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained.

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

7. The writ of certiorari is ordered. The order dated 17.04.2026 passed by the Deputy Commissioner vide Annexure-A 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

AM
List No.: 1 Sl No.: 14