HC-KAR

NC: 2026:KHC:62589
WP No. 15330 of 2022

CNR: KAHC010335132021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 15330 OF 2022 (SC/ST)

BETWEEN:

1. SRI DAKYA NAIKA
   S/O LATE SOMLA NAIKA
   AGED ABOUT 60 YEARS

2. SRI SEVA NAIKA
   S/O LATE SOMLA NAIKA
   AGED ABOUT 45 YEARS

3. SRI HANUMANTHA NAIKA
   S/O LATE SOMLA NAIKA
   AGED ABOUT 44 YEARS

   ALL ARE RESIDING AT
   SADASHIVAPURA THANDA
   SHIKARIPURA TALUK
   SHIVAMOGGA DISTRICT-577 201.

...PETITIONERS

(BY SRI. NAIK N.R., ADVOCATE)

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

AND:

1. STATE OF KARNATAKA
   BY ITS SECRETARY
   REVENUE DEPARTMENT
   VIDHANA SOUDHA
   BENGALURU-577 201.

2. THE DEPUTY COMMISSIONER
SHIVAMOGGA DISTRICT
SHIVAMOGGA-577 201.

3. THE ASSISTANT COMMISSIONER
SAGARA SUB-DIVISION
SHIVAMOGA DISTRICT-577 201.

4. THE TAHASILDAR
SHIKARIPURA TALUK
SHIVAMOGGA DISTRICT-577 201.

5. SRI PANCHAKSHARAIAH
S/O LATE PARAMESHWARA
AGED ABOUT 59 YEARS
RESIDING AT BENDEKATTE
SHIKARIPURA TALUK
SHIVAMOGGA DISTRICT-577 201.

6. SMT. PRABHAVATHI
W/O LATE JAYASWAMY
AGED ABOUT 54 YEARS

7. SRI. RAJASHEKAR
S/O LATE JAYASWAMY
AGED ABOUT 58 YEARS

8. SRI. NANDEESHA
S/O LATE JAYASWAMY
AGED ABOUT 56 YEARS

RESPONDENTS NO.6 TO 8 ARE
R/AT VIRAKTHA MATHA ROAD
KUMBARA GUNDI
SHIKARIPURA TALUK
SHIVAMOGGA DISTRICT-577 201.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI CHETHAN G., ADVOCATE FOR
SRI B.K. MANJUNATH, ADVOCATE FOR R5 TO R8)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 READ WITH UNDER ARTICLE 14 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:

CORAM: HON'BLE MS. JUSTICE JYOTI M

ORAL ORDER

Sri.Naik.N.R., counsel for the petitioners appeared through video conferencing.

Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 3 and Sri.Chethan.G., counsel appearing on behalf of Sri.B.K.Manjunath., for respondent Nos.5 to 8 appeared in person.

2. The petition is filed seeking following reliefs:

"a) To set-aside the order passed by the second respondent in Case No.SC.ST.13/2017-18 (RD.00/50000/166762) dated 18.08.2021 produced at ANNEXURE-D.

b) To call for records and grant such other relief/s as deems fit by this Hon'ble court under the facts and

circumstances of the case, in the interest of justice and equity."

3. 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.

4. Counsel for the respective parties advanced several contentions.

Counsel for the petitioners in presenting his arguments, vehemently contended that this is not a case of grant. On the contrary, the subject land was leased. Hence, the question of grant does not arise in the present case. Urging additional grounds, he submits that the order of the Deputy

Commissioner may be set aside and the petition may be allowed.

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

6. The present issue is confined to the resumption proceedings. The land in question was granted in the year 1941 and was alienated in 1960. The resumption proceedings were initiated before the Assistant Commissioner only in the year 2006, after an inordinate delay of nearly 46 years from the date of alienation and 27 years from the coming into force of the PTCL Act. The Assistant Commissioner allowed the petition and ordered resumption of the land. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who allowed the appeal and set aside the order passed by the Assistant Commissioner.

The Deputy Commissioner was justified in allowing the appeal, particularly in view of the inordinate and unexplained delay in initiating the resumption proceedings. The Assistant Commissioner failed to take into consideration the substantial

delay in initiating the proceedings. Accordingly, the order passed by the Deputy Commissioner warrants no interference. This Court finds no grounds to interfere with the same, and the order passed by the Deputy Commissioner is hereby confirmed.

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.

Accordingly, the petition lack merits and it is ***dismissed.***

On dismissal 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.: 2 Sl No.: 17