HC-KAR

NC: 2026:KHC:59496
WP No. 15273 of 2026

CNR: KAHC010337582026

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. 15273 OF 2026 (SC/ST)

BETWEEN:

SMT. K.M.LAKSHMIDEVAMMA,
W/O. MUNISWAMY GOWDA,
AGED ABOUT 72 YEARS,
R/AT MUTHYALPETE, MULBAGAL TOWN,
KOLAR DISTRICT - 563 131.

...PETITIONER

(BY SRI. SEENAPPA K., ADVOCATE)

AND:

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

2. THE DEPUTY COMMISSIONER,
   KOLAR DISTRICT, NH KOLAR TO MULBAGAL ROAD,
   NEW DC OFFICE, KOLAR - 563 102.

3. THE ASSISTANT COMMISSIONER,
   KOLAR SUB-DIVISION,
   COURT CIRCLE, KOLAR - 563 101.

4. THE TAHSILDAR,
   MULBAGAL TALUK,
   MINI VIDHANA SOUDHA,
   MULBAGAL - 563 131.

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

5. SRI. B.H.SHANKARAPPA,
S/O B. HANUMAPPA,
AGED ABOUT 54 YEARS,

6. SRI. B.H. PRASANNA KUMAR,
S/O B. HANUMAPPA,
AGED ABOUT 44 YEARS,

RESPONDENTS 5 AND 6 ARE
RESIDENTS OF AMBEDKAR NAGAR,
MALLANAYAKANAHALLI ROAD,
MULBAGAL TOWN, KOLAR DISTRICT-563 131.

7. SRI. B.HANUMAPPA,
S/O LATE BUDDAPPA,
AGED ABOUT 69 YEARS,
AMENAHALLI ROAD,
AMBEDKAR NAGAR,
MULBAGAL TOWN,
KOLAR DISTRICT - 563 131.

8. SRI. ANANTHANARAYANA,
FATHER'S NAME - NOT KNOWN,
MAJOR,
MANAGER - INDIAN OIL CORPORATION,
K.R. PURAM, BENGALURU - 560 036.

9. SMT. B.H.SUSHEELA,
W/O V. RAMESH,
AGED ABOUT 40 YEARS,
R/OF MALLANAYAKANAHALLI ROAD,
AMBEDKAR NAGAR, MULBAGAL TOWN,
KOLAR DISTRICT-563 131.

10. SMT. B.H.JYOTHI,
W/O OBBALAPPA,
AGED ABOUT 38 YEARS,
R/OF KANGANAM BANDA VILLAGE,
PEDDAPANJANI MANDAL

PUNGANUR TALUK, CHITTOOR DISTRICT,
ANDHRA PRADESH-517 408.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SMT. SUMA Y., ADVOCATE FOR
SRI. BADARI NARAYANA M.S., ADVOCATE FOR R5 AND R6;
SRI. MUNISWAMY S.G., ADVOCATE
FOR R7, R9 AND R10 -ABSENT;
VIDE COURT ORDER DATED 18.06.2026,
NOTICE TO R8 IS DISPENSED WITH)

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.Seenappa.K., counsel for the petitioner, Smt.Savithramma, Additional Government Advocate for respondent Nos.1 to 4 and Smt.Suma Y., counsel on behalf of Sri.Badari Narayana.M.S, for respondent Nos.5 and 6 appeared in person.

There is no representation on behalf of counsel for respondent Nos.7, 9 and 10.

2. The petition is filed seeking a writ of certiorari to quash the order passed by the Deputy 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.

Counsel for respondent Nos.5 and 6 submits that there was no laches on the part of the family of the grantee in seeking resumption.

Additional Government Advocate submits that an appropriate order may be passed.

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

5. The issue involved in the present case is confined to the resumption proceedings. The land in question was granted in the year 1949, and the first

alienation took place in 1960, followed by a second alienation in 1994. After a lapse of nearly 58 years from the alienation, proceedings under Section 5 of the Act were initiated before the Assistant Commissioner in the year 2018, seeking resumption of the land. The Assistant Commissioner rejected the petition; however, the Deputy Commissioner, in appeal, remanded the matter for reconsideration. It is pertinent to note that, subsequent to the purchase of the property, the petitioner had obtained conversion of the land in the year 1997.

The Three-Judge Bench in W.P.No.60483/2014 clarified that when land is diverted or converted, it no longer qualifies as 'granted land' under the PTCL Act. They also held that the permission under Section 4(2) of the Act is not required for diverted land, since such permission is only necessary for 'granted land'. Once land is converted, it ceases to be considered 'granted land'.

In view of the law laid down by the Three-Judge Bench in W.P. No. 60483/2014, the provisions of the PTCL Act are not applicable to land that has been converted for non-agricultural purposes. In the present case, the land in question was converted in the year 1997, whereas the resumption proceedings were initiated in the year 2018. Thus, as on the date of initiation of the resumption proceedings, the land had already been converted. Consequently, the provisions of the PTCL Act would not be applicable to the land in question. The Deputy Commissioner has failed to consider this material aspect and has erroneously remanded the matter. Accordingly, the order of remand passed by the Deputy Commissioner cannot be sustained in law.

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 02.03.2026 passed by the Deputy Commissioner

vide Annexure-A is quashed. As this Court has quashed the order, the authority concerned is hereby directed to 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

SS
List No.: 1 Sl No.: 54