HC-KAR

NC: 2026:KHC:60265-DB
WA No. 786 of 2025

CNR: KAHC010338962025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO.786 OF 2025 (SCST)

BETWEEN:

SRI. T. VENKATAPPA
SINCE DEAD BY HIS LRs.

1. SMT. MUNIYAMMA,
   W/O LATE VENKATAPPA,
   AGED ABOUT 63 YEARS,

SRI. MUNIRAJAPPA .B.V
SINCE DEAD BY HIS LRs.

2. SMT. MUNI YELLAMMA
   AGED ABOUT 50 YEARS,
   W/O LATE MUNIRAJAPPA .B.V

3. SRI. HINDUJA .B.M
   AGED ABOUT 31 YEARS,
   W/O LATE MUNIRAJAPPA .B.V

4. SRI. VIVEK .B.M
   AGED ABOUT 29 YEARS,
   S/O LATE MUNIRAJAPPA .B.V

5. SRI. PRASHANTH .B.M
   AGED ABOUT 27 YEARS,
   S/O LATE MUNIRAJAPPA .B.V

Digitally signed by C K LATHA
Location: High Court of Karnataka

6. SRI. MANJUNATH,
AGED ABOUT 47 YEARS,
S/O LATE T. VENKATAPPA,

ALL ARE RESIDING AT
BELAGERE VILLAGE, VARTHUR HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560 087. …APPELLANTS

(BY SRI. FAYAZ SAB B.G., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
BENGALURU URBAN,
BENGALURU - 560 009.

2. THE ASSISTANT COMMISSIONER,
BENGALURU NORTH SUB-DIVISION,
BENGALURU - 560 009.

3. SRI. N. CHANDRASHEKAR,
S/O LATE NARAYANA REDDY,
AGED ABOUT 37 YEARS,

4. SRI. RAJASHEKAR,
S/O LATE NARAYANA REDDY,
AGED ABOUT 35 YEARS,

R-3 & R-4 ARE RESIDING AT
DOOR NO.243, HAL COLONY,
BENGALURU - 560 017. …RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-1 & R-2;
SRI. B. VACHAN, ADVOCATE FOR R-3;
SRI. DAYANANDA K.G., ADVOCATE FOR C/R-4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO SET-ASIDE THE IMPUGNED FINAL ORDER DATED 24.04.2025 PASSED IN W.P.NO.16016/2022 (SC/ST) PASSED BY THE LEARNED SINGLE JUDGE AND ETC.,

CNR: KAHC010338962025

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE K.S. HEMALEKHA)

1. This intra-Court appeal is preferred by the appellants who are the petitioners in Writ Petition No.16016/2022 (SCST) impugning the order dated 24.04.2025 [**impugned order**] whereby the learned Single Judge dismissed the Writ Petition filed challenging the common order dated 30.03.2022 passed by the Deputy Commissioner, Bengaluru Urban District, rejecting the claim for resumption and restoration of the granted land under the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 [**the PTCL Act**] and allowing the appeal filed by the purchaser.

BRIEF FACTS

2. The land bearing Sy.No.68/2 measuring 2 acres situated at Balagare Village, Varthur Hobli, Bangalore East Taluk [**schedule property**] was granted on 29.04.1940 in favour of Sri Kari

Thippaiah @ Thippaiah, belonging to the scheduled caste community. The original grantee alienated the schedule property in favour of Sri Narayana Reddy under a registered sale deed dated 22.02.1961.

3. In the year 1984-1985, nearly 23 years after the alienation and about six years after the PTCL Act came into force, T. Venkatappa, the son of the original grantee initiated proceedings seeking resumption and restoration of the schedule property. The Assistant Commissioner rejected the application by order dated 27.05.1988. Aggrieved thereby, T. Venkatappa preferred an appeal before the Deputy Commissioner in SC.ST (Appeal) No.12/1995-1996 which came to be dismissed on 13.04.1988. The said order was challenged before this Court in Writ Petition No.274/2000. By order dated 04.12.2001, the matter was remitted for fresh consideration.

4. During the pendency of Writ Petition No.274/2000, another application seeking restoration of the very same property was instituted by the family members of T. Venkatappa in K.SC.ST No. 75/1999-2000. The Assistant Commissioner allowed the said

application by order dated 07.05.2002. Aggrieved thereby, the sons of the purchaser, Narayana Reddy, preferred SC.ST (Appeal) No.16/2002-2003 before the Deputy Commissioner, who, by order dated 26.04.2004, allowed the appeal and set aside the order of restoration. The said order was challenged by the sons of T. Venkatappa in Writ Petition No.7459/2005.

5. Meanwhile, another application seeking restoration of the schedule property was filed by Smt. Muthamma, wife of T. Venkatappa and Smt. Arakeramma, his daughter. The said application was rejected by the Assistant Commissioner by endorsement dated 11.10.2006, which was challenged before the Deputy Commissioner in SC.ST (Appeal) No.114/2006-07. By order dated 28.10.2010, the Deputy Commissioner directed to defer the said appeal to await the result of Writ Petition No.7459/2005 pending before this Court. Aggrieved thereby, Smt. Muthamma and Smt. Arakeramma preferred Writ Petition No.10920/2011.

6. Both Writ Petition Nos.7459/2005 and 10920/2011 were heard together and disposed of by a common order dated

17.11.2014. This Court set aside the orders dated 26.04.2004 and 28.10.2010 passed by the Deputy Commissioner and remitted the matters for fresh consideration, observing that the original orders pertaining to the grant, the nature of the grant and conditions imposed thereunder required examination.

7. Pursuant to the order of remand, the Deputy Commissioner took up SC.ST (Appeal) Nos.12/1995-96, 16/2002-2003 and 114/2006-07 together for consideration and by common order dated 30.03.2022 dismissed the appeals preferred by the legal representatives of the original grantee and allowed the appeal preferred by the purchaser. The Deputy Commissioner held that the proceedings for resumption and restoration had been initiated after an inordinate delay and were liable to be rejected on the ground of delay and laches.

8. It is also relevant to note that Writ Petition No.21790/2022 preferred by Smt.Arakeramma challenging the order of the Deputy Commissioner came to be dismissed as withdrawn. The legal representatives of T.Venkatappa challenged the order dated

30.03.2022 before the learned Single Judge in the writ petition, which was disposed of by the order impugned in this writ appeal.

THE IMPUGNED ORDER

9. The learned Single Judge, upon consideration of the material on record and the rival contentions, held that the proceedings seeking resumption and restoration of the schedule property had been initiated after an inordinate delay of nearly 23 years from the date of alienation. The learned Single Judge placing reliance upon the decision of the Division Bench of this Court in **Smt. M. Manjula and Others vs The Deputy Commissioner and Others**[1], **Smt. Gouramma @ Gangamma vs The Deputy Commissioner and Others**[2] and **Smt.Akkayamma vs The State of Karnataka and Others**[3] held that the Deputy Commissioner was justified in rejecting the claim on the ground of delay and laches.

10. On the contention regarding the genuineness of the permission allegedly granted by the competent authority for alienation of the schedule property, the learned Single Judge held

[1] 2024: KHC: 51015-DB
[2] 2024:KHC:D:10666-DB
[3] 2024:KHC:48227-DB

that the question did not require consideration. Even assuming that no permission had been obtained and that alienation was contrary to the conditions of grant, the proceedings for restoration, having been initiated belatedly could not be entertained. Accordingly, the learned Single Judge declined to interfere with the Deputy Commissioner's order and dismissed the writ petition. Aggrieved thereby, the legal representatives of T. Venkatappa have preferred the present appeal.

REASONS AND CONCLUSION

11. The question as to whether the proceedings seeking resumption and restoration of granted land under Sections 4 and 5 of the PTCL Act can be initiated after an inordinate delay is no longer *res integra*. The Hon'ble Supreme Court in **Nekkanti Rama Lakshmi vs State of Karnataka and Another**[4], and **Vivek M Hinduja vs M Aswatha**[5] held that notwithstanding the absence of any prescribed period of limitation under the PTCL Act, proceedings seeking restoration of granted land allegedly alienated in violation of the conditions of grant are required to be initiated

[4] (2020) 14 SCC 232
[5] (2019) 1 Kant LJ 819 SC

within a reasonable time. The power conferred upon the statutory authorities cannot be invoked after an unreasonable and inordinate delay. It is also relevant to note that Section 5 of the PTCL Act was subsequently amended by Karnataka Act No.30/2023, by insertion of clauses (c) and (d) to Sub-section 1. The said amendment was considered by the co-ordinate Bench of this Court in **Gouramma @ Gangamma** (*supra*) and observed at para No.3 as under :

> "3.**********
>
> (c) The vehement submission of learned counsel for the appellant that Act 30 of 2023 has amended the provisions of Section 5 of the 1978 Act by adding clauses (c) & (d) to sub-section (1) of the said Section and therefore, the concept of "limitation and delay" has to remain miles away. These new clauses read as under:
>
> "(c) notwithstanding anything contained in any law, there shall be no limitation of time to invoke the provisions of this Act.
>
> (d) the provisions of clause (c) shall apply to all cases pending before all the competent authorities and all Courts of Law adjudicating the cases under this section."
>
> It hardly needs to be stated that at no point of time, the 1978 Act prescribed any period of limitation for moving application for the resumption of granted land after it is alienated.
>
> (d) The Amendment Act that is made applicable with retrospective effect is only a duplication of the existing legal position. Such duplication happened even in English legislative history, hardly needs to be mentioned. The question of delay is a matter of limitation which this statute is silent about. Clauses (c) and (d), now introduced to

Section 5(1) of the Act, do not bring any change in the statutory scheme. At the most, they are declaratory of what the statute has been all through, so far as the limitation period is concerned. Nobody disputes that there was no limitation period earlier and there is no limitation period now too. Laches, which would involve a host of factors, pertains to the Domain of Equity.

(e) **Nekkanti** supra does not speak of "limitation period" at all. What it discusses is, the long lapse of time between alienation of granted land and the filing of claim for its resumption. Observations occurring in para 8 of the decision lend support to this view:

"8. However, the question that arises is with regard to terms of Section 5 of the Act which enables any interested person to make an application for having the transfer annulled as void under Section 4 of the Act. This Section does not prescribe any period within which such an application can be made. Neither does it prescribe the period within which suo motu action may be taken. This Court in the case of Chhedi Lal Yadav v. Hari Kishore Yadav (D) Thr. Lrs., (2017) 6 Scale 459 and also in the case of Ningappa v. Dy. Commissioner (C.A. No. 3131 of 2007, decided on 14.07.2011) reiterated a settled position in law that whether Statute provided for a period of limitation, provisions of the Statute must be invoked within a reasonable time. It is held that action whether on an application of the parties, or suo motu, must be taken within a reasonable time. This relief was granted to the farmers due to flood in the Kosi River which make agricultural operations impossible. An application for restoration was made after 24 years and was allowed. It is in that background that this Court upheld that it was unreasonable to do so. We have no hesitation in upholding that the present application for restoration of land made by respondent-Rajappa was made after an unreasonably long period and was liable to be dismissed on that ground. Accordingly, the judgments of the Karnataka High Court, namely, R. Rudrappa v. Deputy Commissioner, (2000) 1 Karnataka Law Journal, 523, Maddurappa v. State of Karnataka, (2006) 4 Karnataka Law Journal, 303 and G. Maregouda v. The Deputy Commissioner, Chitradurga District, Chitradurga, (2000) 2 Kr. L.J.Sh. N.4B holding that

there is no limitation provided by Section 5 of the Act and, therefore, an application can be made at any time, are overruled. ….."

(emphasis is ours)

Apparently, the law declared by the Apex Court in the above case has not been altered by the subject amendment, even in the least.

(f) It may be true, that the legislative debates might have taken place about the observations of the Apex Court in **Nekkanti** and other such cases while passing the Amendment Bill. That per se does not lend credence to the contention that the said amendment intends to invalidate the law declared by the highest court of the country which it did after considering all aspects of the matter including the sense of equity & justice. If the Legislature intended to silence the voice of **Nekkanti**, it would have employed a different terminology. We repeat that, ordinarily, delay is decided by computing the period of limitation prescribed by law, whereas "laches" is decided keeping in view a host of factors. Cases are repleat in Law Reports relating to delay and laches in writ jurisdiction under Articles 12, 226 & 227 of the Constitution of India. This is only to illustrate.

(g) There is a marked difference between 'delay & laches' that operate in equity and 'limitation & delay' that obtain in law. The following observations of the Apex Court in Union of India v. N. Murugesan [(2022) 2 SCC 25] make out this point:

"Delay, laches and acquiescence

20. The principles governing delay, laches, and acquiescence are overlapping and interconnected on many occasions. However, they have their distinct characters and distinct elements. One can say that delay is the genus to which laches and acquiescence are species. Similarly, laches might be called a genus to a species by name acquiescence. However, there may be a case where acquiescence is involved, but not laches. These principles are common law principles, and perhaps one could identify

> that these principles find place in various statutes which restrict the period of limitation and create non-consideration of condonation in certain circumstances.... The underlying principle governing these concepts would be one of estoppel. The question of prejudice is also an important issue to be taken note of by the court.
>
> 21. The word "laches" is derived from the French language meaning "remissness and slackness". It thus involves unreasonable delay or negligence in pursuing a claim involving an equitable relief while causing prejudice to the other party. It is neglect on the part of a party to do an act which law requires while asserting a right, and therefore, must stand in the way of the party getting relief or remedy.
>
> 22. Two essential factors to be seen are the length of the delay and the nature of acts done during the interval. As stated, it would also involve acquiescence on the part of the party approaching the court apart from the change in position in the interregnum. Therefore, it would be unjustifiable for a Court of Equity to confer a remedy on a party who knocks its doors when his acts would indicate a waiver of such a right. By his conduct, he has put the other party in a particular position, and therefore, it would be unreasonable to facilitate a challenge before the court. Thus, a man responsible for his conduct on equity is not expected to be allowed to avail a remedy."

12. The challenge to the said decision before the Hon'ble Supreme Court in SLP (C) Diary No.19020/2025 was dismissed on 09.05.2025.

13. Likewise a coordinate Bench of this Court in **Smt. M.Manjula and Others** (*supra*) after considering the amendment to Section 5 of the PTCL Act and the decision in **Gouramma** (*supra*) reiterated

the said proposition. The challenge before the Supreme Court to the said decision in Special Leave to Appeal (C) No(s).8421/2025 was also dismissed by the Court by order dated 01.04.2025.

14. Coming to the facts of the present case, at the cost of repetition, the material facts are not in dispute and require brief reiteration. The schedule property was alienated by the original grantee under a registered sale deed dated 22.02.1961 in favour of Narayana Reddy. The first application seeking resumption and restoration of schedule property was initiated by T.Venkatappa, son of original grantee only in the year 1984-85, nearly 23 years after the alienation and approximately six years after the PTCL Act came into force. The Assistant Commissioner rejected the said application by order dated 27.05.1988.

15. The appeal preferred by T. Venkatappa before the Deputy Commissioner was dismissed. Thereafter, Writ Petition No.274/2000 was filed before this Court which resulted in an order of remand for fresh consideration. During the pendency of the said proceedings, another application seeking restoration of the very same property was instituted by the family members of T.

Venkatappa. The Assistant Commissioner allowed the said application by order dated 07.05.2002. However, the Deputy Commissioner by order dated 26.04.2004 allowed the appeal preferred by the purchasers and set aside the order of restoration. Yet another application seeking restoration of the same property was initiated by Smt. Muthamma, wife of T. Venkatappa and Smt. Arakeramma, his daughter, which was rejected by the Assistant Commissioner on 11.10.2006. The subsequent proceedings in Writ Petition Nos.7459/2005 and 10920/2011 culminated in a common order dated 17.11.2014 whereby the matters were remitted to the Deputy Commissioner for fresh consideration.

16. Pursuant to the said remand, the Deputy Commissioner considered all the three connected appeals and by common order dated 30.03.2022 dismissed the appeals preferred by the legal representatives of the grantee and allowed the appeal preferred by the purchaser holding that the proceedings seeking resumption and restoration had been initiated belatedly.

17. The principal contention advanced by the learned counsel for the appellants is that alienation of the schedule property was

effected without obtaining prior permission from the competent authority and was therefore contrary to the conditions of the grant. It is further contended that order of alleged permission dated 23.06.1960, relied upon by the purchasers was not available in the records of the revenue department, as evidenced by the endorsement issued by the competent authority.

18. Per contra, the learned counsel appearing for the respondents contended that the legal representatives of the original grantee have repeatedly initiated proceedings seeking restoration of the very same property despite rejection of the earlier applications. The Deputy Commissioner, having considered the entire history of litigation and delay in litigating the proceedings, rightly rejected the claims. It is submitted that the question regarding genuineness of the alleged permission for alienation does not arise for consideration once the proceedings seeking restoration was found to be barred by unreasonable delay and laches, which aspect has been rightly considered by the learned Single Judge and declined to interfere with the order passed by the Deputy Commissioner. The contention advanced by the appellants does not merit acceptance. Even assuming that, as rightly

contended by the counsel appearing for the respondents, the alienation was effected without obtaining requisite permission contrary to the conditions of grant, the question remains whether proceedings seeking restoration could be entertained after such an inordinate delay.

19. The Deputy Commissioner rightly concluded that the claim was liable to be rejected on the ground of delay and laches. The learned Single Judge examined the settled and legal principles and rightly held that the proceedings for restoration had been initiated belatedly. Therefore, we find no infirmity or illegality in the conclusion of the learned Single Judge, warranting any interference by this Court. Accordingly, the Writ Appeal is dismissed.

20. The pending application also stands disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

CKL
List No.: 1 Sl No.: 4