HC-KAR

NC: 2026:KHC:59497
WP No. 15534 of 2026

CNR: KAHC010341952026

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. 15534 OF 2026 (SC/ST)

BETWEEN:

1. SMT LAKSHMAMMA
   W/O. LATE CHICKAPILLAPPA,
   AGED ABOUT 58 YEARS,

2. SRI. BHARATH H.C
   S/O. LATE CHICKAPILLAPPA,
   AGED ABOUT 29 YEARS

   PETITIONERS NO. 1 AND 2 ARE
   RESIDING AT HIREBALL VILLAGE,
   JANGAMAKOTE POST, SIDLAGHATTA TALUK,
   CHIKKABALLAPURA DISTRICT-562102

3. SMT. VANAJA
   D/O LATE CHICKAPILLAPPA
   W/O SRI. VINAY KUMAR
   AGED ABOUT 30 YEARS
   RESIDING AT KONGANAHALLI (V)
   KAIWARA (P), CHINTHAMANI (T),
   CHIKKABALLAPURA (D) - 563128

4. SMT. NALINA
   D/O LATE CHICKAPILLAPPA
   W/O SRI. RANJITH
   AGED ABOUT 33 YEARS
   RESIDING AT NAGARENAHALLI
   SULIBELE (P), HOSKOTE (T),
   BENGALURU RURAL (D) - 562129.

...PETITIONERS

(BY SRI. C PRAKASH, ADVOCATE)

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

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
DR. B.R.AMBEDKAR VEEDI,
BENGALURU - 560001.

2. THE DEPUTY COMMISSIONER
AND DISTRICT MAGISTRATE,
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA -562101.

3. THE ASSISTANT COMMISSIONER,
CHIKKABALLAPURA SUB - DIVISION,
CHIKKABALLAPURA - 562101.

4. SMT. MUNIYAMMA,
W/O LATE CHIKKANJINAPPA,
AGED ABOUT 75 YEARS

5. SRI. CHIKKAMUNIYAPPA,
S/O LATE CHIKKANJINAPPA
AGED ABOUT 50 YEARS

6. SRI. MANJUNATH
S/O LATE CHIKKANJINAPPA
AGED ABOUT 45 YEARS

RESPONDENTS NO.4 TO 6 ARE
RESIDING AT VALLAPPANAHALLI VILLAGE,
JANGAMAKOTE POST, SIDLAGHATTA TALUK,
CHIKKABALLAPURA DISTRICT - 562102.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. V.SHIVAKUMAR, ADVOCATE FOR R4 TO R6 - ABSENT)

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.C.Prakash, counsel for the petitioners and Smt.Savithramma, Additional Government Advocate for respondent Nos.1 to 3 appeared in person.

There is no representation on behalf of counsel for respondent Nos.4 to 6.

In PTCL writ petitions, the orders passed by the Assistant Commissioner and the Deputy Commissioner are ordinarily called into question. This Court has frequently noticed discrepancies in the names of the original grantees and the dates of grant and alienation recorded in the impugned orders. Hence, for the sake of convenience, this Court refers to the parties as the “original grantee” and

the relevant years of grant and alienation, instead of reproducing the names and dates.

2. The petition is filed seeking a writ of certiorari to quash the orders passed by the Assistant Commissioner and the Deputy Commissioner. These orders are 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.

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

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 in 1947-48. It was sold in 1970. Nearly 43 years after the sale, in 2013-14, the

resumption proceedings were initiated before the Assistant Commissioner.

The Assistant Commissioner allowed the claim and the Deputy Commissioner confirmed the order. Both the Assistant and Deputy Commissioners overlooked the nearly 43-years delay in initiating these proceedings. They failed to consider the issue of laches or the petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 43 years, especially since the rights in the land were settled by the sale deed in 1970. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.

6. 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.

7. In the facts and circumstances of the case, this Court is of the considered view that the orders passed by the Assistant Commissioner and confirmed by the Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained. Accordingly, the impugned orders are liable to be set aside.

8. For the foregoing reasons, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be set aside.

9. The writ of certiorari is ordered. The order dated 16.04.2022 passed by the Assistant Commissioner vide Annexure-B, and the order dated 17.04.2026 passed by the Deputy Commissioner vide Annexure-A are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to restore the

petitioners' name in the subject land in the revenue records.

10. 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.: 55