HC-KAR

NC: 2026:KHC:62588
WP No. 5045 of 2021

CNR: KAHC010350772020

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. 5045 OF 2021 (SC/ST)

BETWEEN:

1. SAMPANGI
   S/O THINDLU MUNIYELLAPPA,
   AGED ABOUT 50 YEARS,

2. CHANDRA
   S/O MUNIYELLAPPA,
   AGED ABOUT 48 YEARS,

   BOTH RESIDENTS OF KODIHALLI VILLAGE,
   JADAGENAHALLI HOBLI,
   HOSAKOTE TALUK,
   BANGALORE RURAL DISTRICT.

…PETITIONERS

(BY SRI. RAJENDRA M.S., ADVOCATE)

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

AND:

1. DEPUTY COMMISSIONER
   BANGALORE RURAL,
   BEERASANDRA VILLAGE,
   KUNDANA HOBLI,
   DEVANAHALLI TALUK,
   BANGALORE RURAL.

2. THE ASSISTANT COMMISSIONER
   DODDABALLAPURA SUB DIVISION,
   DODDABALLAPUR.

3. THE TAHASILDAR
HOSAKOTE TALUK,
HOSAKOTE.

4. SRI. MUKUNDAPPA
S/O LATE THIMMARAYAPPA
AGED ABOUT 78 YEARS,

SINCE DECEASED BY HIS LR'S

4(A) T.M. GOPALAPPA
S/O LATE MUKUNDAPPA
AGED ABOUT 61 YEARS

4(B) T.M. RAMACHANDRA
S/O LATE MUKUNDAPPA
AGED ABOUT 51 YEARS

4(C) T.M. MUNIRAJU
S/O LATE MUKUNDAPPA
AGED ABOUT 49 YEARS

4(A) TO (C) ARE RESIDENTS OF
THINDLU VILLAGE,
JADIGENAHALLI HOBLI
HOSAKOTE TALUK
BANGALORE RURAL DISTRICT-560 067.

5. SMT. GOWRAMMA
W/O LATE VENKATESHAPPA
AGED ABOUT 55 YEARS,

6. SRI. RAMESH
S/O VENKATESHAPPA
AGED ABOUT 48 YEARS

7. SRI. SWAMINATH
S/O LATE VENKATESHAPPA
AGED ABOUT 35 YEARS,

RESPONDENTS 5 TO 7 ARE
RESIDENTS OF THINDLU VILLAGE,
DEVANAGUNDI POST,
HOSAKOTE TALUK,
BANGALORE RURAL DISTRICT.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI YOGESH, ADVOCATE FOR
SRI P.H. VIRUPAKSHAIAH, ADVOCATE FOR
R4(A-C), R5 TO R7)

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:

CORAM: HON'BLE MS. JUSTICE JYOTI M

ORAL ORDER

Sri.Rajendra.M.S., counsel for the petitioners; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 3, and Sri.Yogesh., counsel appearing on behalf of Sri.P.H.Virupakshaiah., for respondent Nos.4(A) to 4(C), and respondent Nos.5 to 7 appeared in person.

2. The petition is filed seeking following reliefs:

"(a) Call for the relevant records which ultimately resulted in issuing the impugned order dated 03/11/2020 passed by the 1st Respondent in case bearing No.LND/SC/ST-91/2018 vide Annexure-A

(b) Issue a writ, order or directions in the nature of CERTIORARI quashing the impugned order dated 03/11/2020 passed by the 1st Respondent in case bearing No.LND/SC/ST-91/2018 vide Annexure-A.

(d) Issue any other appropriate writ, order or directions as this Hon'ble Court deems fit 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. The Court heard the arguments and carefully perused the papers.

5. The present issue is confined to the resumption proceedings. The land in question was granted in the year 1940. A portion of the land was sold in 1951, while the remaining portion was sold in 1954. However, the resumption proceedings were initiated before the Assistant Commissioner only in 2011, after an inordinate delay of nearly 60 years from the date of sale and 32 years from the date on which the PTCL Act came into force.

The Assistant Commissioner, despite the inordinate and unexplained delay, entertained the petition and ordered resumption of the land. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who rightly allowed the appeal and set aside the order passed by the Assistant Commissioner. The Assistant Commissioner

committed an error in entertaining the resumption proceedings after such an inordinate lapse of time. The application was therefore liable to be rejected on the ground of delay and laches. The Deputy Commissioner, having duly considered the material evidence available on record, rightly set aside the order of the Assistant Commissioner.

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.

This Court finds no valid grounds warranting interference with the order passed by the Deputy Commissioner. The petition is devoid of merit and is accordingly ***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.: 16