HC-KAR

NC: 2026:KHC:62594
WP No. 16671 of 2026

CNR: KAHC010367332026

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. 16671 OF 2026 (SC/ST)

BETWEEN:

SRI. SYED HIDAYATHULLA,
S/O. LATE BASHEER SAB,
AGED ABOUT 60 YEARS,
R/AT NO.664/1A,
DR. AMBEDKAR ROAD,
TIPPU NAGAR, BANGARPET TOWN,
KOLAR DISTRICT - 563 114.

...PETITIONER

(BY SRI. VISWESWARAIAH S., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   REPRESENTED BY ITS PRINCIPAL SECRETARY
   DEPARTMENT OF REVENUE,
   VIDHANA SOUDHA,
   BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER,
   KOLAR DISTRICT,
   KOLAR - 563 101.

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

4. THE TAHSILDAR,
   BANGARPET TALUK,
   BANGARPET - 563 114.

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

5. SRI. SRIDHAR,
S/O. LATE MURTHY,
AGED ABOUT 48 YEARS,
R/AT NO.2963, GANGAMMANA PALYA,
OPP: GOVERNMENT WELL,
BANGARPET TOWN,
KOLAR DISTRICT - 563 114.

6. SRI. DASHARATHAPPA,
S/O SRI. THIMMARAYAPPA,
AGED ABOUT 59 YEARS,

7. SMT. NEELAMMA,
W/O SRI. DASHARATHAPPA,
AGED ABOUT 49 YEARS,

8. SRI. VENKATESHAPPA,
S/O. SRI. THIMMARAYAPPA,
AGED ABOUT 54 YEARS,

9. SMT. KADHIRAMMA,
W/O. SRI. VENKATESHAPPA,
AGED ABOUT 47 YEARS,

RESPONDENTS 6 TO 9 ARE
R/AT DEBBANAHALLI VILLAGE,
BUDIKOTE POST AND HOBLI,
BANGARPET TALUK,
KOLAR DISTRICT - 563 114.

10. SRI. NASEERULLA SHARIFF,
S/O AMANULLA SHARRIF,
AGED ABOUT 56 YEARS,
R/AT NO.19/1, A COCKS ROAD,
THIMMAIAH ROAD CROSS,
SHIVAJINAGAR, BENGALURU-560 001.

11. SRI. MOHAMMED IQBAL,
S/O LATE ABDUL SATHAR,

AGED ABOUT 67 YEARS,
R/AT NO.3218, BUDIKOTE ROAD CROSS,
BANGARPET TALUK,
KOLAR DISTRICT -563 114.

12. SRI. M.NAVEED PASHA,
S/O SRI. MAHABOOB PASHA,
AGED ABOUT 53 YEARS,
R/AT NO.3239, KUMBAR ROAD CROSS,
SATE COMPOUND, BANGARPET TOWN,
KOLAR DISTRICT - 563 114

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. K.VISHWANATHA, ADVOCATE FOR R5;
VIDE COURT ORDER DATED 08.06.2026,
NOTICE TO R6 TO R12 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.Visweswaraiah.S., counsel for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 4, and Sri.K.Vishwanatha., counsel for respondent No.5 appeared in person.

2. The petition is filed seeking following reliefs:

"a) Issue a Writ of Certiorari/any other appropriate Writ or direction for quashing/setting aside the order passed by the Third Respondent in Case No.PTCL/05/2016 dated 28.10.2025 and the Order passed by the Second Respondent in Case No.PTCL/218/2025 dated 05.05.2026 produced at ANNEXURE "A" & "B" by allowing the Writ Petition and

b) Grant such relief/s as this Hon'ble Court deems fit to grant under the 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 respondent No.5 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, he submits that the petition lack merits and the same may be dismissed.

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

6. This issue is limited to resumption proceedings. The land in question was granted in 1963. Later, the subject land was sold in 1979 through a registered sale deed.

Nearly 37 years after the sale, in 2016, the resumption proceedings were initiated before the Assistant

Commissioner. The Assistant Commissioner has allowed the petition and ordered the land to be resumed. On appeal the Deputy Commissioner, who confirmed the order. However, both the Assistant and Deputy Commissioners overlooked the nearly 37 years delay in initiating these proceedings. They failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 37 years, especially since the rights in the land were settled by the sale deed in 1979. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.

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.

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.

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

8. The writ of certiorari is ordered. The order dated 28.10.2025 passed by the Assistant Commissioner vide Annexure-A, and the order dated 05.05.2026 passed by the Deputy Commissioner vide Annexure-B are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to mutate/ restore

the petitioner's name in the subject land in the revenue records.

9. 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

CH
List No.: 2 Sl No.: 32