HC-KAR

NC: 2026:KHC:59801
WP No. 18315 of 2024

CNR: KAHC010373222024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.18315 OF 2024 (SC/ST)

BETWEEN:

1. SMT ANASUYAMMA
   W/O NARAYANAPPA
   AGED ABOUT 40 YEARS
   R/O RAMAPURA, HONNALI TALUK,
   DAVANAGERE DISTRICT-577217.

2. SRI NARAYANAPPA
   HUSBAND OF SMT. ANASUYAMMA
   AGED ABOUT 45 YEARS
   R/O RAMAPURA, HONNALI TALUK,
   DAVANAGERE DISTRICT-577217.

3. SRI. R.S. MANJAPPA,
   S/O HALASIDDAPPA
   AGED ABOUT 65 YEARS,
   R/O RAMPURA, HONNALI TALUK,
   DAVANAGERE DISTRICT-577217.

4. SRI HANUMANTHAPPA
   S/O GOVINDAPPA
   AGED ABOUT 55 YEARS
   R/O RAMPURA, HONNALI TALUK,
   DAVANAGERE DISTRICT-577217.

...PETITIONERS

(BY SRI. HAREESH BHANDARY T., ADVOCATE)

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

AND:

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

2. DEPUTY COMMISSIONER
   DAVANAGERE DISTRICT
   DAVANAGERE-577217.

3. ASSISTANT COMMISSIONER
   DAVANAGERE-577217.

4. SURENDRA
   S/O LATE HALAPPA
   AGED ABOUT 49 YEARS
   R/O RAMPURA, HONNALI TALUK,
   DAVANAGERE DISTRICT - 577217.

5. STATE OF KARNATAKA
   DEPARTMENT OF PARLIAMENTARY
   AFFAIRS AND LEGISLATION SECRETARIAT
   VIDHANA SOUDHA, DR.AMBEDKAR VEEDHI,
   BENGALURU -560001
   REPRESENTED BY ITS SECRETARY

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3 AND R5;
SRI. AMOGHA R SHARMA, ADVOCATE FOR
SRI. RAJESWARA P N., ADVOCATE AND
SRI. MANJUNATHA K.V., ADVOCATES FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR ORDERS, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Hareesh Bhandary T., counsel for the petitioners, Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 3 and 5 and Sri.Amogha R.Sharma, counsel on behalf of Sri.Rajeswara P.N., and Sri.Manjunatha K.V., for respondent No.4 appeared in person.

Counsel for the petitioners submits that the petitioners are not pressing prayer No.(c).

The oral submission made by counsel for the petitioners regarding non pressing of prayer No.(c) is placed on record.

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 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 the petitioners placed reliance on the following decision:

(i) ***'Sri.R.Suresh Mohan vs. State of Karnataka and Others', W.P.No.3597/2018 dated 06.07.2026.***

Counsel for respondent No. 4 contends that the Assistant Commissioner's order passed in 1981 was never communicated to the grantee's wife, who was unaware of the same. Consequently, the grantee's son filed a subsequent application for resumption of the land, and the family came to know of the earlier order only upon issuance of the endorsement. He submits that the Division Bench rightly remanded the matter to the Deputy Commissioner, who, upon considering the material on record, condoned the delay and passed the impugned order. On these grounds, he submits that the petition lacks merit and is liable to be dismissed. He placed reliance on the following decision:

(i) 'N.Balakrishnan vs. M.Krishnamurthy', (1998) 7 SCC 123

AGA 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 proceedings is confined to the resumption of the subject land, which was granted to the original grantee in 1942. The land was subsequently sold under a registered sale deed in 1964 and further transferred in 1967.

Nearly 16 years after the first sale, resumption proceedings were initiated before the Assistant Commissioner during 1979-80. The Assistant Commissioner dismissed the claim by order dated 22.01.1981, which was not challenged in appeal. Subsequently, in 2000, a fresh application seeking resumption of the land was filed. The Assistant Commissioner issued an endorsement on 03.07.2001 stating that the earlier claim had already been dismissed and that he lacked jurisdiction to entertain the same claim

afresh. Consequently, the subsequent proceedings were dropped.

After a lapse of nearly 13 years, during 2013-14, the order and endorsement of the Assistant Commissioner were challenged before the Deputy Commissioner, who allowed the claim and ordered resumption of the subject land. The said order was challenged before this Court in W.P. No. 18666/2015. This Court allowed the writ petition and set aside the order of the Deputy Commissioner and directed the Assistant Commissioner to take steps to restore possession to the petitioners therein within ten days from the receipt of the order. On appeal, in W.A. No. 331/2019, the Division Bench partly allowed the appeal and remanded the matter to the Deputy Commissioner for consideration of the question of delay.

Upon remand, the Deputy Commissioner condoned the delay, allowed the claim and ordered resumption of the subject land. However, while passing the impugned

order, the Deputy Commissioner failed to adequately consider the inordinate delay of nearly 16 years in initiating the resumption proceedings from the date of the first sale. It is significant that the Assistant Commissioner's order dated 22.01.1981 had attained finality, and an endorsement was subsequently issued in 2001. The grantee's family challenged the said order and endorsement before the Deputy Commissioner only after a further lapse of nearly 13 years. The Deputy Commissioner failed to adequately address the petitioners' contention that the proceedings had been initiated and pursued after an unreasonable and unexplained delay.

The Deputy Commissioner was required to examine the effect of the delay in challenging the order passed in 1981 and the endorsement issued in 2001, and whether the resumption proceedings could be sustained after such a considerable lapse of time. This aspect assumes significance, particularly in view of the transactions

evidenced by the registered sale deed of 1964 and the subsequent transfer in 1967. The failure to examine the effect of delay and laches, despite the same being a material issue for consideration, has vitiated the impugned order directing resumption of the subject land.

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 view of the foregoing circumstances, this Court is of the considered opinion that the order passed by the Deputy Commissioner directing resumption of the subject land, without adequately examining the issue of inordinate delay and laches, cannot be legally sustained. Accordingly, the impugned order is liable to be set aside.

6. The writ of certiorari is ordered. The order dated 06.06.2024 passed by the Deputy Commissioner vide Annexure-A is quashed. As this Court has quashed

the order, the authority concerned is hereby directed to mutate/ restore the petitioners' name in the subject land in the revenue records.

7. 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.: 19