HC-KAR

NC: 2026:KHC:61217
WP No. 18461 of 2024

CNR: KAHC010375932024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.18461 OF 2024 (SC-ST)

BETWEEN:

1. SMT. VENKATAMMA
   W/O RAMAIAH,
   D/O LATE DODDAMUNISWAMY,
   AGED ABOUT 73 YEARS,

2. SRI. VENKATESH
   S/O RAMAIAH,
   AGED ABOUT 39 YEARS,

   PETITIONERS NO.1 AND 2 ARE
   RESIDING AT E-HOSUR VILLAGE,
   HEGGANAHALLI POST,
   KUNDANA HOBLI,
   DEVANAHALLI TALUK,
   BENGALURU DISTRICT - 562 110.

...PETITIONERS

(BY SRI. S. VISWESWARAIAH, ADVOCATE)

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

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS PRINCIPAL SECRETARY,
   DEPT OF REVENUE,
   BENGALURU - 560 001.

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

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

4. SRI. R. ARAVIND KUMAR,
S/O RAMAIAH,
MAJOR,

5. SRI. C. V. NAGARAJ
S/O VENKATAPPA,
MAJOR,
BOTH RESIDING AT GERUPURA VILLAGE,
KASABA HOBLI, MALUR TALUK,
KOLAR DISTRICT - 563 160.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. C.M.GOVINDA REDDY, ADVOCATE FOR
R4 AND R5 - 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.S.Visweswaraiah., 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 and 5.

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.

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.

Counsel for the petitioners in presenting his argument vehemently contended that in view of the amendment to the provisions of the Act, the laches does not arise. Urging additional grounds, he submits that the orders of the Assistant Commissioner and Deputy Commissioner may be set aside and the petition may be allowed.

Additional Government Advocate 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 validity of the resumption proceedings initiated in respect of the subject land. It is not in dispute that the land in question was originally granted during the

year 1943-44 and that a portion of the said land was alienated in the year 1974. However, the proceedings seeking resumption of the land were initiated only in the year 2013, after an inordinate delay of nearly 39 years from the date of alienation. The Assistant Commissioner, upon consideration of the material available on record, rejected the claim for resumption. The said order was subsequently examined and affirmed by the Deputy Commissioner. Having regard to the long lapse of time between the alleged violation and the initiation of the resumption proceedings, and upon consideration of the findings recorded by both the authorities, I am of the view that the orders impugned herein do not call for interference.

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.

Undoubtedly, the PTCL Act was enacted to protect members of Scheduled Castes and Scheduled Tribes from exploitation by prohibiting alienation of granted lands without prior permission. The remedy of resumption is available to protect the grantee against unauthorized transfers. However, when the grantee or his heirs voluntarily execute a registered sale deed, they cannot later invoke the Act to nullify their own transaction. Thus, the right to challenge it is limited. The Act's protective umbrella is intended to shield the grantee from exploitation by others, not to allow the grantee to repudiate his / her own act. Courts therefore apply estoppel against the grantee.

Both the Assistant Commissioner and the Deputy Commissioner have duly considered the matter and have arrived at a conclusion warranting no interference in the present proceedings. Consequently, I find no justifiable grounds to interfere with the concurrent orders passed by

the Assistant Commissioner and the Deputy Commissioner. Accordingly, the challenge to the said orders fails. Accordingly, the writ petition lacks merit and it is ***dismissed***.

Because of dismissal of the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

Sd/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.: 32