HC-KAR

NC: 2026:KHC:61650
WP No. 18426 of 2024

CNR: KAHC010381462024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 18426 OF 2024 (SC/ST)

BETWEEN:

CHETHAN NARAYAN,
S/O. LATE H.G.NARAYAN,
AGED ABOUT 50 YEARS,
R/O. GANGADHARESHWARA NILAYA,
B.M.ROAD, HASSAN - 573201.

...PETITIONER

(BY SRI. GURUPRASAD HEGDE, ADVOCATE FOR
SRI. S.V.PRAKASH, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S.BUILDING,
DR. B.R.AMBEDKAR VEEDHI,
BENGALURU - 560 001.

2. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT PARLIAMENTARY
AFFAIRS AND LEGISLATION,
ROOM NO.137, 1ST FLOOR,
VIDHANA SOUDHA,
DR. B.R.AMBEDKAR VEEDHI,
BENGALURU - 560 001.

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

3. THE DEPUTY COMMISSIONER,
HASSAN DISTRICT,
HASSAN - 573 201.

4. THE ASSISTANT COMMISSIONER
HASSAN SUB-DIVISION,
HASSAN DISTRICT,
HASSAN - 573 201.

5. SHANKARAIAH,
S/O. LATE BETTAIAH,
AGED ABOUT 64 YEARS,
AGRICULTURIST,
R/O. NAGASAMUDRA VILLAGE,
KASABA HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT - 573 201.

CHANNAIAH @ CHANNANI,
S/O. DASAPPA,
SINCE DEAD BY HIS LRS

6. MANJUNATH
S/O. LATE CHANNAIAH @ CHANNANI,
AGED MAJOR,
AGRICULTURIST,
R/O. SATHYAKALAMMA TEMPLE
NAGASAMUDRA VILLAGE,
KASABA HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT - 573201.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SMT. SUMA SANNEGOWDA, ADVOCATE FOR R5;
R6 SERVED AND UNREPRESENTED)

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.Guruprasad Hegde., counsel on behalf of Sri.S.V.Prakash., for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 4, and Smt.Suma Sannegowda., counsel for respondent No.5 appeared in person.

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 respondent No.5, in presenting her arguments, vehemently contended that the family members of the grantee are illiterate and that the sale deed was obtained fraudulently. She further submits that they continue to be in possession of the property as on date and that, in view of the violation of the provisions of the PTCL Act, the order of resumption is justified. On these

grounds, she contended that the writ petition lacks merit and sought dismissal of the same.

AGA 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 to original grantee, in 1963. Later, portion of the subject land was sold in 1967 through a registered sale deed.

In 2014, the resumption proceedings were initiated before the Assistant Commissioner after a lapse of nearly 47 years from the date of sale and 35 years from the coming into force of the PTCL Act. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who upheld the original order.

However, both the Assistant and Deputy Commissioners overlooked the delay of nearly 47 years from the date of the registered Sale Deed and 35 years from the commencement of the PTCL Act. They failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authorities were required to consider whether the exercise of power under the PTCL Act, after such an extraordinary lapse of time, was justified, particularly when the rights over the subject land had been crystallised pursuant to the registered Sale Deed of 1967. The failure to examine the question of delay and laches, which was a material and relevant consideration, has vitiated the impugned orders directing resumption of the 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.

As regards the contention that the sale deed was obtained by fraud, the same cannot be adjudicated in a writ proceeding, as it involves disputed questions of fact requiring appreciation of evidence. Such a disputed claim cannot be adjudicated by this Court in exercise of its writ jurisdiction.

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.

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

7. The writ of certiorari is ordered. The order dated 09.12.2016 passed by the Assistant Commissioner vide Annexure-B, and the order dated 28.12.2023 passed by the Deputy Commissioner vide Annexure-C 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.

8. 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

AM
List No.: 2 Sl No.: 22