HC-KAR

NC: 2026:KHC:59800
WP No. 17743 of 2026

CNR: KAHC010391832026

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. 17743 OF 2026 (SC/ST)

BETWEEN:

SMT. KANTHAMMA
W/O KRISHNA REDDY,
AGED ABOUT 80 YEARS,
R/AT PATALAMMA BADAVANE,
PATELARA STREET, MALUR,
KOLAR - 563130

...PETITIONER

(BY SRI. SUYOG HERELE E., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
NEW DC OFFICE, KOLAR DISTRICT,
KOLAR - 563101.

2. THE ASSISTANT COMMISSIONER,
POLICE GROUND ROAD,
KOLAR SUB-DIVISION,
KOLAR DISTRICT - 563101.

3. SMT. SAROJAMMA,
S/O SRINIVAS,
R/AT NO.20/1, NEAR TARAHUNSE DAIRY,
BENGALURU NORTH - 560063.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
R3 SERVED AND UNREPRESENTED)

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

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.Suyog Herele E., counsel for the petitioner and Smt.Savithramma, Additional Government Advocate for respondent Nos.1 and 2 appeared in person.

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 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.

Additional Government Advocate submits that 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 in 1972 and the alienation took place in 1991. Nearly 28 years after the sale, in 2019, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner allowed the claim and the Deputy

Commissioner confirmed the order. Both the Assistant and Deputy Commissioners overlooked the nearly 28-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 28 years, especially since the rights in the land were settled by the sale deed in 1991. 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.

6. 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 21.08.2024 passed by the Assistant Commissioner vide Annexure-A1, and the order dated 12.01.2026 passed by the Deputy Commissioner vide Annexure-A 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

SS
List No.: 1 Sl No.: 7