HC-KAR

NC: 2026:KHC:59498
WP No. 18806 of 2026

CNR: KAHC010413062026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 18806 OF 2026 (SC/ST)

between:

SRI. SHIVANNA
SON OF LATE MALLEGOWDA
AGED ABOUT 70 YEARS,
RESIDING AT GOPALADEVARAHALLY,
BUKKAPATNA HOBLI,
SIRA TALUK, TUMAKURU-515144.

…PETITIONER

(BY SRI. VIGHNESHWARA SHASTRY, SENIOR ADVOCATE FOR
SRI. NARENDRA BABU H.L., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY,
DEPARTMENT OF LAND REVENUE,
VIDHANA SOUDHA,
BENGALURU - 560001.

2. THE DEPUTY COMMISSIONER,
TUMAKURU - 572101.

3. THE ASSISTANT COMMISSIONER,
MADHUGIRI SUB DIVISION,
TUMAKURU - 572132.

4. THE THASILDAR ,
SIRA TALUK,
TUMAKURU - 572 132.

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

5. SMT. DEVARAJAMMA
WIFE OF LATE RANGASHAMAIAH,
AGED ABOUT 55 YEARS,
RESIDING AT GOPALADEVARAHALLY,
BUKKAPATNA HOBLI,
SIRA TALUK, TUMAKURU-515144.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. LOKESHA K., ADVOCATE FOR R5)

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.Vigneshwara Shastry, Senior counsel on behalf of Sri.Narendra Babu H.L., for the petitioner, Smt.Savithramma, Additional Government Advocate for respondent Nos.1 to 4 and Sri.Lokesha K., 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 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 an appropriate order may be passed.

Counsel for respondent No. 5 submits that the statement of objections has been filed and may be taken into consideration. He contends that the petitioner is not in

possession of the subject land and that respondent No. 5 does not claim any right under the sale deed dated 08.02.1988. He further submits that respondent No. 5's family is in possession of the land and that no assistance from the Assistant Commissioner is required to recover possession. It is also contended that the sale deed dated 08.02.1988 is fraudulent and that the petitioner's name was consequently entered in the revenue records without justification. He further points out that the petitioner sought mutation of the revenue entries only in 2023, despite the sale transaction having taken place in 1988. On these grounds, counsel seeks dismissal of the petition as devoid of merit.

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

5. The present issue is confined to the resumption proceedings. The land in question was granted in the year 1957. A perusal of the sale deed reveals that the family of

the grantee alienated the property in the year 1988. The petitioner purchased the southern portion of the land, measuring 1 acre and 36 guntas, while respondent No. 5, purchased the northern portion, measuring 1 acre and 37 guntas. Thus, respondent No. 5 is herself a purchaser of a portion of the subject land under the very same sale transaction. In these circumstances, the initiation of proceedings by respondent No. 5 in the year 2023, alleging violation of the provisions of the PTCL Act, after a lapse of nearly 35 years from the date of alienation, raises a substantial question of delay and laches.

The Assistant Commissioner and the Deputy Commissioner have failed to take note of the material fact that respondent No. 5 herself is a party to the sale transaction and had acquired a portion of the subject land under the sale deed executed in 1988. The authorities ought to have examined whether the proceedings initiated by her in the year 2023, after an inordinate delay of nearly 35 years, could be sustained in the absence of any

satisfactory explanation for such delay. The rights in respect of the property had been acted upon pursuant to the sale deed of 1988, and the authorities were required to consider the effect of such long-standing transactions while examining the claim for resumption under the PTCL Act. The failure to address the material aspects of delay and laches has resulted in the resumption proceedings being considered without due regard to a relevant and substantial issue.

The contention that the transaction is fraudulent cannot be adjudicated in writ jurisdiction, as it involves disputed questions of fact requiring detailed examination of the evidence.

6. 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.

7. 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.

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

9. The writ of certiorari is ordered. The order dated 19.09.2025 passed by the Assistant Commissioner vide Annexure-E, and the order dated 12.06.2026 passed by the Deputy Commissioner vide Annexure-H 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.

10. 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.: 56