HC-KAR

NC: 2026:KHC:61652
WP No. 19876 of 2024

CNR: KAHC010415252024

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. 19876 OF 2024 (SC/ST)

BETWEEN:

1. GOWRAMMA,
   W/O. RANGASWAMAIAH,
   AGED ABOUT 50 YEARS,

2. SHARADAMMA,
   W/O. LATE RANGAPPA,
   AGED ABOUT 40 YEARS,

3. CHAITRA,
   D/O. LATE RANGAPPA,
   AGED ABOUT 23 YEARS,

4. HANUMANTHAIAH,
   S/O. LATE RANGASWAMAIAH,
   AGED ABOUT 23 YEARS,

   PETITIONERS NO.1 TO 4 ARE
   R/AT ARCHAKARAHALLI DHAKALE,
   KASABA HOBLI, RAMANAGARA TALUK,
   RAMANAGARA -562159.

...PETITIONERS

(BY SRI. GURUPRASAD HEGDE, ADVOCATE FOR
SRI. UMESH MOOLIMANI, ADVOCATE)

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

AND:

1. STATE OF KARNATAKA,
   REPRESENTED BY ITS PRINCIPAL SECRETARY,
   DEPARTMENT OF REVENUE,

M.S. BUILDING,
DR. B.R.AMBEDKAR VEEDHI,
BENGALURU-560001.

2. STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF PARLIAMENTARY
AFFAIRS AND LEGISLATION,
ROOM NO.137, 1ST FLOOR,
VIDHANA SOUDHA,
DR. B.R.AMBEDKAR VEEDHI,
BENGALURU-560001.

3. DEPUTY COMMISSIONER,
RAMANAGARA DISTRICT,
RAMANAGARA - 562159.

4. ASSISTANT COMMISSIONER
RAMANAGARA SUB-DIVISION,
RAMANAGARA - 562159.

5. MUNIRAJU
S/O. LATE VENKATARAMA,
AGED ABOUT 41 YEARS,
R/AT VADDARADODDI VILLAGE,
KUTAKALLU HOBLI,
DODDAGANGAVADI POST,
RAMANAGARA TALUK AND DISTRICT-562159.

6. P.NAGARAJU,
S/O. LATE PUTTASWAMYGOWDA,
AGED ABOUT 51 YEARS,
R/AT FIROZ FARM,
ARCHAKARAHALLI DHAKALE,
KASABA HOBLI, RAMANAGARA -562159.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. CHINTHAN HEGDE, ADVOCATE FOR
SRI. MURALI D., ADVOCATE FOR R5;
SRI. VIVEK B.N., ADVOCATE FOR R6)

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.Umesh Moolimani., for the petitioners; Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 4; Sri.Chinthan Hegde., counsel on behalf of Sri.Murali.D., for respondent No.5 and Sri.Vivek.B.N., counsel for respondent No.6 appeared in person.

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

The oral submission regarding non pressing of prayer No.(a) is placed on record.

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 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.

AGA submits that an appropriate order may be passed.

Counsel for respondent No.5 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, he submit that the petition lacks merit and the same may be dismissed.

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

5. The present issue is confined to the resumption proceedings. The subject land, measuring 2 acres, was originally granted to the grantee during the year 1946-47. Subsequently, the land was conveyed under a registered Sale Deed in the year 1969. Thereafter, in the year 1985, the purchaser gifted the subject land in favor of Mr.Rangappa and Hanumanthaiah. Subsequently, in the year 2000, the said donees conveyed an extent of 25 guntas out of the subject land in favor of respondent No. 6.

However, the proceedings for resumption of the land were initiated before the Assistant Commissioner only in the year 2012, after a lapse of nearly 43 years from the date of the registered Sale Deed and 33 years from the coming into force of the PTCL Act. The Assistant Commissioner, upon consideration of the matter, dismissed the petition. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who allowed the appeal and ordered resumption of the land. However, while passing the impugned order, the Deputy Commissioner failed to consider the inordinate delay of nearly 43 years from the date of the sale and 33 years from the commencement of the PTCL Act. The Deputy Commissioner also failed to examine the question of delay and laches, notwithstanding the specific contention of the petitioners that the resumption proceedings had been initiated after an unreasonable and unexplained lapse of time.

The Deputy Commissioner was required to examine whether the power of resumption under the PTCL Act could be exercised after such an extraordinary lapse of time, particularly when the rights in respect of the subject land had been dealt with through successive transactions commencing with the registered Sale Deed of 1969, followed by the gift deed of 1985 and the subsequent sale deed of 2000. These transactions and the settled nature of the rights flowing therefrom were material circumstances requiring consideration while examining the question of delay and laches. The failure of the Deputy Commissioner to address this crucial aspect has resulted in the passing of the impugned order directing resumption of the land without due consideration of a relevant and material issue, thereby rendering the impugned order unsustainable.

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 the facts and circumstances of the case, this Court is of the considered view that the order passed by the Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained. Accordingly, the impugned order is liable to be set aside.

6. For the foregoing reasons, the order of the Deputy Commissioner is liable to be set aside.

7. The writ of certiorari is ordered. The order dated 21.06.2024 passed Deputy Commissioner vide Annexure-J are quashed. In view of this Court having quashed the impugned orders, the concerned authority is directed to effect mutation and restore the names of the petitioners in the revenue records in respect of an extent of 1 acre 15 guntas of the subject land.

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

MRP
List No.: 2 Sl No.: 23