HC-KAR

NC: 2026:KHC:54958
WP No. 20237 of 2024

CNR: KAHC010416942024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.20237 OF 2024 (SC/ST)

BETWEEN:

1. SRI. LINGANNA SWAMY
   ALIAS LINGAIAH,
   AGED ABOUT 58 YEARS,
   S/O LATE MADAIAH,
   RESIDING AT: MUDDANAHALLI GATE,
   MARALINGA POST, PERIYAPATNA TALUK - 571 107.
   MYSURU DISTRICT.

2. SRI. KEMPAIAH ALIAS KEMPANNA,
   AGED ABOUT 55 YEARS,
   S/O LATE MADAIAH,

3. SRI. CHIKKA MADHU
   AGED ABOUT 53 YEARS,
   S/O LATE MADAIAH,

   PETITIONERS NO. 2 AND 3 ARE
   R/AT BOMMENAHALLY VILLAGE,
   YELWAL HOBLI,
   MYSURU TALUK AND DISTRICT - 570 001

...PETITIONERS

(BY SRI. B S NAGARAJ, ADVOCATE)

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

AND:

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

2. THE DEPUTY COMMISSIONER
MYSURU DISTRICT.
MYSURU - 570 001.

3. THE ASSISTANT COMMISSIONER
MYSURU SUB DIVISION,
MYSURU DISTRICT,
MYSURU - 570 001.

4. THE THASILDAR
MYSURU TALUK,
MYSURU DISTRICT - 570 001.

5. SRI. MAHADEVA
AGED ABOUT 50 YEARS,
S/O LATE MADAIAH,
R/AT BOMMENAHALLY VILLAGE,
YELWAL HOBLI,
MYSURU TALUK AND DISTRICT - 570 001.

6. SRI. PUTTANNA
AGED MAJOR,
S/O LATE CHAMAPPA,

SRI. B C SHIVAPPA
AGE MAJOR,
S/O LATE CHAMAPPA,
DEAD BY HIS LRS.

7. SMT. NEELAMMA,
AGE MAJOR,
W/O LATE B C SHIVAPPA,

8. SMT. SHIVA MANI
AGE MAJOR,
W/O LATE SANTOSH
S/O LATE B C SHIVAPPA,

9. SMT. KUMARI
AGE MAJOR,
D/O LATE B C SHIVAPPA,

RESPONDENTS NO.6 TO 9 ARE ALL
R/AT BOMMENAHALLY VILLAGE,
YELWAL HOBLI,
MYSURU TALUK AND DISTRICT - 570 001

…RESPONDENTS

(BY SMT. SPOORTHI V., HCGP FOR R1 TO R4;
SRI. VIJAY A.M., ADVOCATE FOR
SRI. SANDESH G.M., ADVOCATE FOR R5 - ABSENT;
R6 SERVED & UNREPRESENTED;
VIDE ORDER DATED 30.01.2025,
NOTICE TO R7 TO R9 HELD SUFFICIENT)

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.B.S.Nagaraj, counsel for the petitioners, Smt.Spoorthi V., High Court Government Pleader for respondent Nos.1 to 4 appeared in person.

There is no representation on behalf of respondent No.5.

Counsel for the petitioners submits that he is not pressing prayer No.1.

The submission about non pressing of prayer No.1 is placed on record.

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.

Additional Government Advocate submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, they submit that the petition lacks merit and the same may be dismissed.

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 1939 and the alienation has taken place in 1956 and 1972 respectively.

Nearly 65 years after the sale, in 2021, proceedings are initiated under Section 5 of the Act before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner rejected the petition. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who approved the petition and ordered the land to be resumed. The Assistant Commissioner is justified in rejecting the petition. However, the Deputy Commissioner overlooked the nearly 65-year delay in initiating this proceedings. He failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authority should have evaluated whether to proceed after nearly 65 years, especially since the rights in the land were settled by the sale deed in 1956. 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.

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 25.06.2024 passed by the Deputy Commissioner vide Annexure-B is quashed. As this Court has quashed

the order, the authority concerned is hereby directed to 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

SS
List No.: 2 Sl No.: 5