HC-KAR

NC: 2026:KHC:59810
WP No. 19176 of 2026

CNR: KAHC010420172026

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. 19176 OF 2026 (SC/ST)

BETWEEN:

1. SRI D.S.NARAYANA MURTHY,
S/O SRI D. SUBBARAYA SETTY,
AGED ABOUT 71 YEARS,
RESIDING AT NO.110, SRINIVASA NILAYA,
M.V NAGAR, BEML NAGAR (P)
K.G.F. - 563 115

2. SMT R.K.VEDA,
W/O SRI S. RAJU,
AGED ABOUT 61 YEARS,
NO.131, 2ND PHASE,
BEML LAYOUT, 7TH STAGE,
GLOBAL BACK GATE, MYLASANDRA,
BENGALURU - 560 059.

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

3. SMT SHANAZA BALLARY,
W/O LATE B.R.BALLARY,
AGED ABOUT 70 YEARS,
NO.52, DASARAHOSAHALLI MAIN ROAD,
D.K HALLI POST, KUVEMPUNAGAR EXTENSION,
BANGARPET, KOLAR DISTRICT

4. SRI KRISHNA MURTHY M.,
S/O SRI M.C. KONDAIAH SETTY,
AGED ABOUT 82 YEARS,
NO.A15, BHARAT NAGAR,
BEML NAGAR POST, K.G.F. - 563 115.

5. SRI M. GANDHI NARASIMHA RAO,
S/O SRI KRISHNAMURTHY M.,

AGED ABOUT 59 YEARS,
NO.A15, BHARATH NAGAR,
BEML NAGAR POST, K.G.F. - 563 115.

…PETITIONERS

(BY SRI. H MANJUNATH, ADVOCATE)

AND:

1. DEPUTY COMMISSIONER,
OFFICE OF THE DEPUTY COMMISSIONER,
RAMANAGARA DISTRICT,
RAMANAGARA - 562 159.

2. ASSISTANT COMMISSIONER
RAMANAGARA SUB-DIVISION,
RAMANAGARA,
RAMANAGARA DISTRICT - 562 159.

3. SRI NAGARAJU,
S/O SRI THAMMAIAH,
AGE: MAJOR,
R/O SHESHAGIRI VILLAGE,
BIDADI HOBLI, RAMANAGARA TALUK,
RAMANAGARA DISTRICT - 562 109.

4. SRI C.P.YOGESHWARA,
S/O PUTTAMADEGOWDA,
AGED ABOUT 60 YEARS,
MANAGING DIRECTOR,
M/S MEGACITY (BENGALURU) DEVELOPERS
AND BUILDERS LIMITED,
A COMPANY INCORPORATED
UNDER THE COMPANIES ACT, 1956,
HAVING ITS REGISTERED OFFICE AT
NO.120, MEGA TOWER, K.H ROAD,
BENGALURU - 560 027.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
R3 SERVED AND UNREPRESENTED
SRI. N.S.SRIRAJ GOWDA, ADVOCATE FOR R4;)

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. H.Manjunatha., counsel for the petitioners; Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 and 2 and Sri. N.S.Sriraj Gowda., counsel for respondent No.4 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.

AGA and counsel for respondent No.4 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 1978. Respondent No.3, Sri. Nagaraju, sold the property to respondent No.4, Sri. C.P. Yogeshwara, in 1995. After purchasing the property, Sri. C.P.Yogeshwara obtained conversion permission in 1998. Thereafter, the land was converted and sites were formed. The petitioners purchased the sites during 2000-2005. The petitioners are the holders of the said sites.

However, the resumption proceedings under the provisions of the PTCL Act were initiated before the Assistant Commissioner in 2007, after the conversion of the land and the formation and sale of the sites. 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 nearly 12-years delay in

initiating these proceedings. They failed to consider the issue of laches or the petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 12 years, especially since the rights in the land were settled by the sale deed in 1995. 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 Three-Judge Bench in W.P.No.60483/2014 clarified that when land is diverted or converted, it no longer qualifies as 'granted land' under the PTCL Act. They also held that the permission under Section 4(2) of the Act is not required for diverted land, since such permission is only necessary for 'granted land'. Once land is converted, it ceases to be considered 'granted 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.

In the present case, it is not in dispute that the property was originally sold in 1995, following which the land was converted and sites were formed. Hence, the provisions of the PTCL Act were not applicable to the facts of the present case. The Assistant Commissioner and the Deputy Commissioner have failed to take note of this relevant aspect and have erroneously ordered resumption of the land as though the provisions of the PTCL Act were applicable to the present case. Accordingly, the impugned orders are liable to be set aside.

6. The writ of certiorari is ordered. The order dated 28.07.2008 passed by the Assistant Commissioner vide Annexure-A, and the order dated 25.01.2024 passed by the Deputy Commissioner vide Annexure-B 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.

7. 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.: 1 Sl No.: 48