HC-KAR

NC: 2026:KHC:55413
WP No. 20648 of 2024

CNR: KAHC010431762024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.20648 OF 2024 (SC/ST)

BETWEEN:

LATE RAMAIAH
S/O LATE GANGAIAH
SINCE DECEASED REPRESENTED BY
LEGAL HEIRS,

1. SRI. NARAYANAPPA
   AGED 59 YEARS
   S/O LATE RAMAIAH

2. SRI. HANUMANTHAIAH M.R.
   AGED ABOUT 46 YEARS
   S/O. LATE RAMAIAH

3. SMT. SUNANDAMMA
   AGED ABOUT 44 YEARS (MARRIED)
   D/O. LATE RAMAIAH

4. SMT. KEMPAMMA
   AGED ABOUT 41 YEARS (MARRIED)
   D/O. LATE RAMAIAH

   ALL THE PARTIES 1 TO 4 HAVING
   PERMANENT RESIDENTIAL ADDRESS AT
   ALL RESIDING AT # MUDENAHALLI PALYA
   HEGUNDA VILLAGE, SOMPURA HOBLI
   NELAMANAGLA TALUK
   BANGALORE RURAL DISTRICT-562 111.

...PETITIONERS

(BY SRI. T.S. SATISH, ADVOCATE)

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

AND:

1. THE STATE OF KARNATAKA
   BY ITS SECRETARY LAND REVENUE
   M.S. BUILDING,
   BANGALORE - 560 001.

2. THE DEPUTY COMMISSIONER
   DISTRICT ADMINISTRATION OFFICE
   BEERASANDRA VILLAGE,
   KUNDANA HOBLI
   DEVANAHALLI TALUK
   BANGALORE RURAL DISTRICT-562 110.

3. THE ASSISTANT COMMISSIONER
   DODDABALLAPURA SUB-DIVISION,
   DODDABALLAPURA
   BANGALORE RURAL DISTRICT
   KARNATAKA-561 203.

4. THE THASILDHAR
   NELAMANGALA TALUK
   NELAMANGALA TOWN
   BANGALORE RURAL DISTRICT-562 123.

5. SRI. K. MANJUNATH
   AGED ABOUT 64 YEARS
   HEGUNDA VILLAGE, SOMPURA HOBLI
   NELAMANGALA TALUK
   BANGALORE RURAL DISTRICT-562 111.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA., FOR R.1 TO R.4;
SRI. YADUNANDAN, ADVOCATE FOR
SRI. VINAYAKA S. PANDIT, ADVOCATE FOR R.5.)

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.T.S.Satish., counsel appearing for the petitioners appeared through video conferencing.

Smt.Savithramma., AGA., appearing for respondent Nos.1 to 4 and Sri.Yadunandan.M., counsel appearing on behalf of Sri.Vinayaka.S.Pandit., for respondent No.5 appeared in person.

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 and counsel for respondent No.5 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 to one Sri.Kempahanumaiah, in 1961. Later, he sold the property through a registered sale deed dated 08.02.1972.

Nearly 44 years after the sale, in 2006, the resumption proceedings were initiated before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner dismissed the petition. Dissatisfied, an appeal was preferred to the Deputy Commissioner, approved the petition and ordered the land to be resumed. The Assistant Commissioner is justified in dismissing the petition. However, the Deputy Commissioner overlooked the nearly 44 years 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 44 years, especially since the rights in the land were settled by the sale deed in 1972. 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 28.05.2024 passed by the Deputy Commissioner vide

Annexure-A 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

CH
List No.: 1 Sl No.: 22