HC-KAR

NC: 2026:KHC:59492
WP No. 22024 of 2024

CNR: KAHC010449612024

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. 22024 OF 2024 (SC/ST)

BETWEEN:

SRI H A MAKHTIYAR
S/O LATE H.A. ABDUL RAHAMAN,
AGED ABOUT 53 YEARS,
RESIDING AT NO.119, 7TH CROSS,
ASHOK NAGAR, TUMAKURU - 572101.

...PETITIONER

(BY SRI. B C VENKATESH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS PRINCIPAL SECRETARY,
   REVENUE DEPARTMENT,
   M.S.BUILDING, BENGALURU - 560001.

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

2. THE DEPUTY COMMISSIONER
   CHAMARAJANAGARA DISTRICT
   DOUBLE ROAD,
   CHAMARAJANAGAR - 571313

3. THE ASSISTANT COMMISSIONER
   KOLLEGALA SUB DIVISION,
   KOLLEGALA, CHAMARAJA DISTRICT - 571440

4. THE TAHSILDAR
   CHAMARAJANAGAR
   NH-212, KOZHIKODE KERALA HIGHWAY,
   GUNDLUPETE, KARNATAKA - 571 111

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO 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.B.C.Venkatesh., counsel for the petitioner and Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 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 submits that an appropriate orders may be passed.

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 1977-78. The first alienation has taken place in 1995 and the second alienation has taken place in 2007. After purchase of the property, when the petitioner sought change of Khata, the Assistant Commissioner *suo motu* initiated proceedings

alleging that there is a violations of the provisions of the PTCL Act in 2013. Hence, the Assistant Commissioner ordered resumption of the land and on appeal, the Deputy Commissioner has confirmed the order of the Assistant Commissioner. It is noted that the Assistant Commissioner and the Deputy Commissioner overlooked laches of 18 years. Hence, the resumption of the land cannot be sustained.

The authorities should have evaluated whether to proceed after nearly 18 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 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 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.

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

7. The writ of certiorari is ordered. The order dated 27.08.2018 passed by the Assistant Commissioner vide Annexure-B, and the order dated 11.09.2023 passed by the Deputy Commissioner vide Annexure-A are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to mutate 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.: 34