HC-KAR

CNR: KAHC010452902026

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. 20325 OF 2026 (SC/ST)

BETWEEN:

1. SMT. GIRIYAMMA
WIFE OF LATE RANGAPPA @ MARADIRANGAPPA,
AGED ABOUT 70 YEARS,
RESIDING AT RANGANATHAPURA VILLAGE,
HUYILUDORE POST, BUKKAPATTANNA HOBLI,
SIRA TALUK, TUMAKUR-572 137.

2. SRI. VENKATESH
SON OF LATE RANGAPPA @ MARADIRANGAPPA,
AGED ABOUT 50 YEARS,
RESIDING AT RANGANATHAPURA VILLAGE,
HUYILUDORE POST, BUKKAPATTANNA HOBLI,
SIRA TALUK, TUMAKUR-572 137.

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

3. SMT. LAKSHMIDEVI
WIFE OF LATE DODDASWAMY,
AGED ABOUT 38 YEARS,
RESIDING AT RANGANATHAPURA VILLAGE,
HUYILUDORE POST, BUKKAPATTANNA HOBLI,
SIRA TALUK, TUMAKUR-572 137.

4. SRI. DASAPPA,
SON OF LATE HALAPPA,
AGED ABOUT 78 YEARS,
RESIDING AT RANGANATHAPURA VILLAGE,
HUYILUDORE POST, BUKKAPATTANNA HOBLI,
SIRA TALUK, TUMAKUR-572 137.

5. SRI. AMMAJAKKA,
WIFE OF LATE KAMANNA,

AGED ABOUT 75 YEARS,
RESIDING AT RANGANATHAPURA VILLAGE,
HUYILUDORE POST, BUKKAPATTANNA HOBLI,
SIRA TALUK, TUMAKUR-572 137.

6. SRI. MARALEGOWDA
SON OF LATE KAMANNA,
AGED ABOUT 50 YEARS,
RESIDING AT RANGANATHAPURA VILLAGE,
HUYILUDORE POST, BUKKAPATTANNA HOBLI,
SIRA TALUK, TUMAKUR-572 137.

7. SRI. YOGEESH,
SON OF LATE KAMANNA,
AGED ABOUT 45 YEARS,
RESIDING AT RANGANATHAPURA VILLAGE,
HUYILUDORE POST, BUKKAPATTANNA HOBLI,
SIRA TALUK, TUMAKUR-572 137.

8. SRI. RAJANNA,
SON OF LATE HALAPPA,
AGED ABOUT 70 YEARS,
RESIDING AT RANGANATHAPURA VILLAGE,
HUYILUDORE POST, BUKKAPATTANNA HOBLI,
SIRA TALUK, TUMAKUR-572 137.

…PETITIONERS

(BY SRI. NARENDRA BABU H.L., ADVOCATE FOR
SRI. PUNITH C., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY,
DEPARTMENT OF LAND REVENUE,
VIDHANA SOUDHA, BENGALURU
PIN CODE 560001

2. THE DEPUTY COMMISSIONER,
TUMAKURU, PIN CODE 572101

3. THE ASSISTANT COMMISSIONER,
MADHUGIRI SUB DIVISION,
TUMAKURU, PIN CODE 572132.

4. THE THASILDAR,
SIRA TALUK, TUMAKURU,
PIN CODE-572 132.

5. SRI. RAMACHANDRAPPA
SON OF LATE KRISHNAPPA,
AGED ABOUT 55 YEARS,
RESIDING AT BENCHE VILLAGE,
BUKKAPATTANNA HOBLI,
SIRA TALUK, TUMAKUR-572 137.

6. SRI. RAJANNA,
SON OF LATE KRISHNAPPA,
AGED ABOUT 50 YEARS,
RESIDING AT BENCHE VILLAGE,
BUKKAPATTANNA HOBLI,
SIRA TALUK, TUMAKUR-572 137.

7. SRI.RAGHU,
SON OF LATE KRISHNAPPA,
AGED ABOUT 48 YEARS,
RESIDING AT BENCHE VILLAGE,
BUKKAPATTANNA HOBLI, SIRA TALUK,
TUMAKUR-572 137.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. L.SRINIVASA BABU, ADVOCATE
FOR R5 TO R7 - ABSENT)

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.Narendra Babu.H.L., counsel on behalf of Sri.Punith.C., for the petitioners and Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 4 appeared in person.

There is no representation on behalf of counsel for respondent Nos.5 to 7. As is evident from the daily order sheet, when the petition was listed on 11.09.2026, as a last opportunity, time was granted to file objections, failing which the objections would be taken as nil and the Court would proceed to pass orders on the merits of the case. Accordingly, the matter was directed to be listed today. The petition is listed today. Though the objections have been filed, there is no representation on behalf of counsel for respondent Nos. 5 to 7. Hence, the Court proceeds to pass orders on the merits of the case.

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

Submission is noted.

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

Respondents 5 to 7 filed detailed statement of objections and contended that the sale deed does not confer any title since it is hit by Section 4 (1) of the PTCL

Act, which declares that any transfer of granted land made in contravention of the terms of the grant, whether before or after the commencement of the Act is null and violated. It is also contended that the legal heirs of the grantee rightly invoked Section 5 of the PTCL Act for resumption of the land. It is vehemently contented that amendment introducing Section 5(c) and 5(d) to the PTCL Act, vide Karnataka Act No.30/2023 is a valid and competent exercise of legislative power. Urging additional grounds it has been noted in the objections that petition lacks merits and it 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 original grantee in 1938. Later, the subject land was sold in 1968 through a registered sale deed.

Nearly 48 years after the sale, in 2016, the resumption proceedings were initiated before the Assistant Commissioner. 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 48-year 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 48 years, especially since the rights in the land were settled by the sale deed in 2016. 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 24.10.2025 passed by the Assistant Commissioner vide Annexure-E; the order dated 12.06.2026 passed by the Deputy Commissioner vide Annexure-H and also Mutation dated:30.10.2025 passed by the fourth

respondent vide Annexure-F are quashed. As this Court has quashed the orders, 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

MRP
List No.: 2 Sl No.: 28