HC-KAR

CNR: KAHC010458452024

NC: 2026:KHC:61218
WP No. 22234 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.22234 OF 2024 (SC-ST)

BETWEEN:

SRI. PRANOOY
S/O NATARAJ,
AGED ABOUT 30 YEARS,
YELUVAHALLI VILLAGE,
KASABA HOBLI,
MULBAGAL TALUK,
KOLAR DISTRICT - 563 131,
NOW RESIDING AT NO.24,
SRIPADA NIVASA,
PLOT NO.G3, 9TH CROSS,
LAKSHMIPURAM, K. R. PURAM,
BENGALURU - 560 036.

...PETITIONER

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

(BY SRI. K.H.SOMASEKHARA, ADVOCATE)

AND:

1. THE SECRETARY
   REVENUE DEPARTMENT,
   VIDHANA SOUDHA,
   DR. AMBEDKAR ROAD,
   BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER
   KOLAR DISTRICT,
   KOLAR - 563 116.

3. THE ASSISTANT COMMISSIONER
KOLAR SUB-DIVISION,
KOLAR - 563 116.

4. SRI. MUNIRAJU
S/O LATE RAMAIAH,
AGED ABOUT 35 YEARS,
YELUVAHALLI VILLAGE,
KASABA HOBLI,
MULBAGAL TALUK,
KOLAR DISTRICT - 563 131.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. S.VISWESWARAIAH, AGA 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.K.H.Somasekhara., counsel for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 3, and Sri.S.Visweswaraiah., 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 challenged before this Court. The Court has frequently observed discrepancies in the names of the original grantees, the dates of grant and alienation, and the survey numbers mentioned in the impugned orders. Accordingly, for the sake of convenience and to avoid unnecessary repetition, the parties are referred to as the "original grantee", and the relevant years of grant and alienation are used instead of reproducing the names, dates, and survey numbers in each case.

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 submits that an appropriate orders may be passed.

Counsel for respondent No.4, while advancing his arguments, submits that the grant was made in 1959 and the Saguvali Chit was issued in 1966. However, the alienation took place in 1966 itself, which amounts to a clear violation of the provisions of the PTCL Act. Urging additional grounds, he submits that the petition lacks merit and may be dismissed.

4. The Court heard the arguments and carefully perused the papers.

5. This issue is limited to resumption proceedings. Suffice it to note that the land bearing Sy.No.66 (New Sy.No.189), measuring 2 acres was granted to one Sri.Munigangappa. It is also pertinent to note that the land in question was exchanged with Sy.No.3/6 and Sy.No.79/7, in 1966. Thus, the transaction constituted an exchange of properties between Sri.Munigangappa and

Sri.Narayana Gowda, pursuant to which Sri.Narayana Gowda became the absolute owner of Sy.No.66 and Sri.Munigangappa became the absolute owner of Sy.No.3/6 and Sy.No.79/7.

Nearly 52 years after the sale, in 2018, the resumption proceedings were initiated 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 allowed the appeal and ordered the land to be resumed. The Assistant Commissioner is justified in rejecting the petition. However, the Deputy Commissioner overlooked the nearly 52 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 52 years, especially since the rights in

the land were settled by the sale deed in 1966. 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.

Moreover, in the considered opinion of this Court, invoking the provisions of the PTCL Act to resume the land in favor of the family of Sri.Munigangappa is untenable in law. The reason is apparent. The present case does not involve a claim for resumption of land on the ground of violation of the provisions of the PTCL Act.

As already noted above, there was an exchange of properties between Sri.Munigangappa and Sri.Narayana Gowda, whereby Sri.Munigangappa, the original grantee, himself exchanged the land bearing Sy.No.66 with

Sri.Narayana Gowda. Consequently, Sri.Munigangappa was no longer the owner of the property of Sy.No.66. Hence, the initiation of proceedings under the PTCL Act was wholly untenable in law.

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 16.07.2024 passed by the Deputy Commissioner vide Annexure-A is quashed. As this Court has quashed the order, the authority concerned is hereby directed to mutate/ 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

AM
List No.: 1 Sl No.: 34