HC-KAR

NC: 2026:KHC:61654
WP No. 21061 of 2026

CNR: KAHC010465442026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 21061 OF 2026 (SC/ST)

BETWEEN:

1. SRI. MAHIMANNA R.,
   SON OF LATE RAMASWAMY,
   AGED ABOUT 57 YEARS,
   RESIDING AT GANGADHARANAPALYA,
   KASABA HOBLI, NELAMANGALA TALUK,
   BENGALURU RURAL DISTRICT-562 123.

2. SRI. PUTTANJANEYA G.R.,
   SON OF LATE RAMASWAMY,
   AGED ABOUT 54 YEARS,
   RESIDING AT GANGADHARANAPALYA,
   KASABA HOBLI, NELAMANGALA TALUK,
   BENGALURU RURAL DISTRICT-562 123.

3. SRI. RAGHU.R.
   SON OF LATE RAMASWAMY,
   AGED ABOUT 39 YEARS,
   RESIDING AT GANGADHARANAPALYA,
   KASABA HOBLI, NELAMANGALA TALUK,
   BENGALURU RURAL DISTRICT-562 123.

...PETITIONERS

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

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

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS CHIEF SECRETARY,
   DEPARTMENT OF LAND REVENUE,

VIDHANA SOUDHA,
BENGALURU - 560001.

2. THE DEPUTY COMMISSIONER,
TUMAKURU - 572101.

3. THE ASSISTANT COMMISSIONER,
MADHUGIRI SUB DIVISION,
TUMAKURU - 572132.

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

5. SRI. ANANDAPPA
SON OF LATE HANUMANTHARAYAPPA,
AGED ABOUT 56 YEARS,
RESIDING AT SHIDLEKONA VILLAGE,
GOPALADEVARAHALLI POST,
BUKKAPATTANA HOBLI,
SIRA TALUK,
TUMAKURU DISTRICT - 572 137.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. MOUNESH S.B., ADVOCATE FOR
SRI. V.B.SIDDARAMAIAH, ADVOCATE FOR R5)

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; Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 4, and Sri.Mounesh.S.B., counsel on behalf of Sri.V.B.Siddaramaiah., for respondent No.5 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 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 order may be passed.

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

5. The present issue is confined to the resumption proceedings. The land in question was granted to the original grantee in 1956-57. Subsequently, the subject land was sold in 1962 under a registered sale deed, followed by further subsequent transactions.

It was only in 2023, nearly 61 years after the original sale and 44 years after the Act came into force, that resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner allowed the petition and ordered resumption of the land. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who affirmed the order passed by the Assistant Commissioner.

However, both the Assistant Commissioner and the Deputy Commissioner failed to consider the inordinate and unexplained delay in initiating the resumption proceedings. Neither authority addressed the crucial issue of delay and laches nor examined the petitioners' contention that the proceedings had been initiated after an unreasonable lapse of time.

The authorities ought to have examined whether resumption proceedings could be entertained after nearly 61 years from the date of the original sale and 44 years

from the commencement of the Act, particularly when rights in respect of the subject land had been dealt with under a registered sale deed as far back as 1962, followed by subsequent transactions. The failure to consider the effect of such an inordinate delay and the settled rights arising from the subsequent transactions resulted in orders of resumption being passed without adjudicating upon a vital and legally 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 08.09.2025 passed by the Assistant Commissioner vide Annexure-F, and the order dated 12.06.2026 passed by the Deputy Commissioner vide Annexure-L are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to mutate/ restore the petitioners' 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.: 34