HC-KAR

NC: 2026:KHC:62591
WP No. 22742 of 2024

CNR: KAHC010472282024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 22742 OF 2024 (SC/ST)

BETWEEN:

1. ANITHA
   D/O C. MARIYAPP
   AGED ABOUT 35 YEARS,

2. ANIL KUMAR,
   S/O C. MARIYAPP
   AGED ABOUT 33 YEARS,

3. ANNAPOORNA,
   D/O C. MARIYAPP
   AGED ABOUT 31 YEARS,

4. NARAYANASWAMY,
   S/O C. MARIYAPP
   AGED ABOUT 29 YEARS,

   (PAPAMMA-DIED ON 25-9-2022
   THESE PETITIONERS ARE ONLY LEGAL HEIRS)

   ALL ARE RESIDING AT
   HULIMANGALA VILLAGE,
   JIGANI HOBLI, ANEKAL TALUK,
   BANGALORE-562106.

...PETITIONERS

(BY SRI. PRAKASHA K.V., ADVOCATE)

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

AND:

1. THE STATE OF KARNATAKA
   REVENUE DEPARTMENT
   M.S. BUILDING, 5TH FLOOR,
   DR. AMBEDKAR MARG,
   BANGALORE-560001.

2. THE DEPUTY COMMISSIONER,
   BANGALORE URBAN DISTRICT,
   K.G.ROAD, BANGALORE-560009.

3. THE ASSISTANT COMMISSIONER,
   BANGALORE SOUTH SUB-DIVISION,
   K.G.ROAD,
   BANGALORE-560009.

4. THE TAHSILDAR,
   ANEKAL TALUK, ANEKAL
   BANGALORE URBAN DISTRICT
   BANGALORE-562106.

5. SAFEER KHAN
   S/O AHMEDULLA KHAN
   AGED ABOUT 57 YEARS,
   R/AT NO.1332, 32 F CROSS,
   4TH T BLOCK, JAYANAGAR,
   BENGALURU-560041.

6. SMT. SHASHIKALA
   W/O PRAKASH REDDY,
   AGED BY MAJOR,
   R/AT NO.7/12, 22ND MAIN
   20TH CROSS, HSR LAYOUT,
   BANGALURU-560068.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. NISAR SAB, ADVOCATE FOR R5;
SRI. SRIDHAR N., ADVOCATE AND
SRI. SHASHANK SRIDHAR, ADVOCATE FOR R6)

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.Prakasha.K.V., counsel for the petitioners; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 4, Sri.Nisar Sab., counsel for respondent No.5 and Sri.Sridhar.N and Sri.Shashank Sridhar., counsel for respondent No.6 appeared in person.

2. The petition is filed seeking following reliefs:

> *"1. Issue and Order of writ of certiorari or any other appropriate writ/ order or direction to quash the order dated 24-8-2021 passed by respondent No.2 deputy commissioner in case. No.SC.ST(APPEAL) 53/2016-2017, as per annexure-B.*
>
> *2. Grant any other relief/s as this Hon'ble Court deems fit to grant in the fact and circumstances along with the cost of this proceeding in the ends of justice and equity."*

3. 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.

4. Counsel for the respective parties advanced several contentions.

Counsel for the petitioners in presenting his arguments vehemently contends that though the first alienation has taken place in 1968 to an extent of 1 acre, the remaining portion of the land has been sold in 2006. Hence, there is no laches on the part of the grantee's family in seeking resumption proceedings. Urging additional grounds, he submits that the

order of the Deputy Commissioner may be quashed and the writ petition may be allowed.

AGA submits that an appropriate orders may be passed.

Counsel for respondent Nos.5 and 6 jointly submit that there is a laches on the part of the grantee's family in seeking resumption proceedings. Moreover, the land was granted under the Mysore Land Revenue Code and the Deputy Commissioner has rightly taken note of the same and concluded that the provisions of the PTCL Act does not attract in the present case. Urging additional grounds, they submit that the petition lacks merit and the same may be dismissed.

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

6. The issue involved in the present case lies within a narrow compass and pertains to the resumption proceedings initiated at the instance of the family members of the original grantee. The land in question was granted in the year 1930 under the provisions of the Mysore Land Revenue Code.

Subsequently, a portion of the subject land was sold in the year 1968 and the remaining portion of the land was sold in 2006.

It was only in the year 2012, nearly 44 years after the sale and 34 years after the coming into force of the PTCL Act, that resumption proceedings were initiated before the Assistant Commissioner, alleging violation of the provisions of the PTCL Act. The Assistant Commissioner allowed the claim. However, on appeal, the Deputy Commissioner set aside the order passed by the Assistant Commissioner.

The Assistant Commissioner failed to take into consideration the inordinate delay of nearly 44 years in initiating the resumption proceedings. The Assistant Commissioner also failed to examine the question of delay and laches and the specific contention of the petitioners that the proceedings had been initiated after an unreasonable lapse of time.

The authority was required to examine whether the resumption proceedings could be initiated after a lapse of nearly 44 years from the date of sale and 34 years from the

date of coming into force of the PTCL Act, particularly when the rights in respect of the subject land had been crystallised pursuant to the sale deed executed in the year 1968. The failure to consider the aspect of delay and laches, which was a relevant and material consideration, resulted in the passing of the order directing resumption of the land without addressing this crucial aspect.

Further, having regard to the fact that the land was originally granted under the provisions of the Mysore Land Revenue Code, the members of the family of the original grantee could not have invoked the provisions of the PTCL Act by alleging violation thereof and seeking resumption of the subject land.

A perusal of the order passed by the Deputy Commissioner would indicate that the Deputy Commissioner has extensively examined and considered the material evidence available on record and has rightly set aside the order passed by the Assistant Commissioner.

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.

This Court finds no valid grounds warranting interference with the order passed by the Deputy Commissioner. The petition is devoid of merit and is accordingly ***dismissed***.

On dismissal 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.: 2 Sl No.: 22