HC-KAR

NC: 2026:KHC:61646
WP No. 50923 of 2019

CNR: KAHC010493352019

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. 50923 OF 2019 (SC/ST)

BETWEEN:

SRI. YOGANANDA,
S/O. LATE NARAYANA SWAMY,
AGED ABOUT 30 YEARS,
RESIDING AT NO.9,
NEW INDIAN NATIONAL SCHOOL ROAD,
KADAMBA NAGAR,
THIGALARAPALYA MAIN ROAD,
PEENYA II STAGE,
BENGALURU-560 058.

...PETITIONER

(BY SRI. ARUN KUMAR Y.H., ADVOCATE)

AND:

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

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS
   CHIEF SECRETARY OF REVENUE
   VIDHANA SOUDHA,
   BENGALURU-560 001.

2. THE DEPUTY COMMISSIONER,
   BENGALURU RURAL DISTRICT,
   DISTRICT ADMINISTRATIVE BHAVAN,
   BEERASANDRA VILLAGE,
   KUNDANA HOBLI,
   DEVANAHALLI TALUK-562101
   BENGALURU RURAL DISTRICT.

3. THE ASSISTANT COMMISSIONER,
DODDABALLAPUR SUB -DIVISION,
DODDABALLAPUR-562101
BENGALURU RURAL DISTRICT.

4. SRI. ASWATHAPPA,
S/O. LATE BACHHAPPA,
AGED ABOUT 41 YEARS,

5. SRI. NARAYANA SWAMY,
S/O. LATE BACHHAPPA,
AGED ABOUT 42 YEARS,

6. SRI. NANJEGOWDA,
S/O. LATE BACHHAPPA,
AGED ABOUT 43 YEARS,

RESPONDENTS NO.4 TO 6 ARE
RESIDING AT KUNDANA
VILLAGE AND HOBLI,
DEVANAHALLI TALUK-562110
BENGALURU RURAL DISTRICT.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. A.RAVISHANKAR, ADVOCATE FOR
SRI. V.CHANDRAPPA, ADVOCATE FOR R4 TO 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:

CNR: KAHC010493352019

ORAL ORDER

Sri.Arun Kumar Y.H., counsel for the petitioner, Smt.Savithramma, Additional Government Advocate for respondent Nos.1 to 3, and Sri.A.Ravishankar., counsel on behalf of Sri.V.Chandrappa., for respondent Nos.4 to 6 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.

Counsel for the petitioner in presenting his arguments submits that the Assistant Commissioner was justified in resuming the land. As there was a violation, the initiation of resumption proceedings are justified. However, the Deputy Commissioner has erroneously set aside the order of the Assistant Commissioner. Urging additional grounds, he prayed that the order of the Deputy Commissioner may be set aside.

Counsel for respondent Nos.4 to 6 submits that the alienation has taken place in 1972, however, the resumption proceedings were initiated in 2005 after

considerable delay and laches. He placed reliance on the following decisions:

i) Syed Peer Sab V/s The State of Karnataka and Others [W.P.No.17367/2018 dated 18.02.2022];

ii) Basavaraj R., V/s The Deputy Commissioner and Others [W.P.No.350/2022 dated 14.01.2022];

iii) Narasimhaiah V/s The Deputy Commissioner and Others [W.A.No.1592/2023 dated 20.06.2025];

iv) Nanda Gopal V/s The State of Karnataka and Others [W.P.No.5740/2022 dated 13.07.2026];

Additional Government Advocate submits that an appropriate order may be passed.

4. Heard the arguments and perused the papers with care.

5. This issue is limited to resumption proceedings. The land in question was granted to original grantee in 1963. It was sold in 1972. However, resumption proceedings were initiated in 2005 after a considerable

delay of nearly 33-years after the sale and 26 years delay from coming into force of the PTCL Act.

Nearly 33 years after the sale and 26 years from coming into force of the PTCL Act, in 2005, the resumption proceedings were initiated before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who set aside the order of the Assistant Commissioner. The Assistant Commissioner ought to have considered the laches in initiating the resumption proceedings. The Deputy Commissioner is justified in noting the laches in initiating the resumption proceedings and rightly allowed the appeal. I find no grounds to interfere with the order of the Deputy Commissioner. Accordingly, the writ petition lacks merit and it is ***dismissed***.

Counsel for respondents 4 to 6 placed reliance on the decisions referred to supra. But I do not think that the law is in doubt. Each decision turns on its own facts. The present case is also tested in the light of the aforesaid decisions.

Because of dismissal of the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

Sd/-
(JYOTI M)
JUDGE

AM
List No.: 2 Sl No.: 20.1