HC-KAR

NC: 2026:KHC:60574
WP No. 24631 of 2024

CNR: KAHC010516662024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 24631 OF 2024 (SC/ST)

BETWEEN:

THOMAS XAVIER
S/O XAVIER,
AGED ABOUT 62 YEARS,
R/AT NO.263, FLOWER GARDEN,
BABUSABARA PALYA,
KALYANA NAGARA,
BENGALURU - 560043

...PETITIONER

(BY SRI. ASHWIN KUMAR H., ADVOCATE FOR
SRI. T.V.VIJAY RAGHAVAN, ADVOCATE)

AND:

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

1. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
BEHIND KANDAYA BHAVANA
K.G. ROAD, BENGALURU - 560001.

2. THE ASSISTANT COMMISSIONER
BENGALURU NORTH SUB DIVISION,
PODIUM BLOCK,
VISVESHWARAIAH TOWER
DR AMBEDKAR VEEDHI
BENGALURU - 560001.

3. MARIYAMMA
D/O LATE MARIYAPPA,
AGED ABOUT 30 YEARS,
R/AT NO.479/1, NAGAWARA VILLAGE,

A.K.COLONY, ARABIC COLLEGE POST,
BENGALURU - 560045.

4. SMT. CHIKKATAYAMMA
D/O LATE RAMAPPA,
W/O LATE ANANDA,
AGED ABOUT 40 YEARS,
R/AT KONDENAHALLI VILLAGE,
CHANNARAYAPATTANA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT.

5. SRI. NARASIMHA,
S/O DHOMAPPA,
AGED ABOUT 40 YEARS,
R/AT BYRATHI VILLAGE,
KOTTANURU POST, BIDAR HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560077.

6. SRI. B.M. ASHOK,
S/O B.M. MEDAPPA,
AGED ABOUT 44 YEARS,
R/AT BYRATHY VILLAGE,
KOTHANURU POST,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560005.

7. SRI. A.S. ALMEDIA,
S/O LATE GABRIEL ALMEDIA,
AGED ABOUT 64 YEARS,
R/AT NO.20, 6TH CROSS,
HUTCHINS ROAD,
ST. THOMAS TOWN,
BENGALURU - 560084.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. V.R.BALARAJ, ADVOCATE FOR R3 TO R5;
R6 AND R7 ARE SERVED AND UNREPRESENTED)

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.Ashwin Kumar H., counsel on behalf of Sri.T.V.Vijay Raghavan for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 and 2, and Sri.V.R.Balaraj., counsel for respondent Nos.3 to 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 and counsel for respondent Nos.3 to 5 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, they submit that the petition lacks merit and the same 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 1934. Later, portion of the subject land was sold in 1995 through a registered sale deed and petitioner purchased the property to an extent of 1 acre 14 guntas in 2004.

Nearly 18 years after the sale, in 2013, 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 18-years delay in initiating these proceedings. They failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 18 years, especially since the rights in the land were settled by the sale deed in 1995. 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.

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 20.01.2022 passed by the Assistant Commissioner vide Annexure-B, and the order dated 17.08.2024 passed

by the Deputy Commissioner vide Annexure-A are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to mutate/ restore the petitioner's name to an extent of 1 acre 14 guntas 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.: 21