HC-KAR

NC: 2026:KHC:59805
WP No. 24705 of 2024

CNR: KAHC010517272024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 24705 OF 2024 (SC/ST)

BETWEEN:

1. SRI GOVINDAPPA
SON OF HANUMANTHAPPA,
AGED ABOUT 72 YEARS,
OCCUPATION: AGRICULTURE
RESIDING AT HURALIHALLI VILLAGE,
KASABA HOBLI, TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT - 577228.

SRI. RANGAPPA
SINCE DECEASED BY HIS LRS,

2. SMT. LALITHA
WIFE OF MANJAPPA,
AGED ABOUT 47 YEARS,
RESIDING AT BYRANAYAKANAHALLI VILLAGE,
AMRUTHAPURA HOBLI, TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT - 577228.

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

3. SMT. RENUKA
WIFE OF RAJAPPA,
AGED ABOUT 45 YEARS,
RESIDING AT NAVILE VILLAGE AND POST,
HONNALI ROAD, SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT - 577204.

4. SMT. YALLAMMA
WIFE OF SHIVANNA,
AGED ABOUT 51 YEARS,
RESIDING AT HARATHOLALU
ODDARAHATTI VILLAGE AND POST,

BHADRAVATHI TALUK,
SHIVAMOGGA DISTRICT - 577301.

5. SMT. RATHNAMMA
WIFE OF NAGENDRAPPA,
AGED ABOUT 52 YEARS,
RESIDING AT AREBILACHI,
ODDARADIBBA VILLAGE,
KALLIHAL POST, BHADRAVATHI TALUK,
SHIVAMOGGA DISTRICT - 577233.

6. SMT. SAVITHRI,
WIFE OF KUMAR,
AGED ABOUT 43 YEARS,
RESIDING AT 3RD CROSS,
INDIRA NAGAR, TARIKERE TOWN,
TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT- 577228.

7. SHRI. LAKSHMANA,
SON OF LATE RANGAPPA,
AGED ABOUT 41 YEARS,
RESIDING AT HOSUR, HURALIHALLI VILLAGE,
KASABA HOBLI, TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT- 577228.

8. SMT. SHANKUNTALA,
WIFE OF MANJAPPA,
AGED ABOUT 46 YEARS,
RESIDING AT KODIHALLI VILLAGE,
KASABA HOBLI, TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT- 577228.

…PETITIONERS

(BY SRI. C.SADASHIVA, ADVOCATE)

AND:

1. GOVERNMENT OF KARNATAKA
REVENUE DEPARTMENT,
MULTISTORIED BUILDING,

AMBEDKAR VEEDHI,
BENGALURU - 560001,
REPRESENTED BY CHIEF SECRETARY

2. THE DEPUTY COMMISSIONER
CHIKKAMAGALURU,
CHIKKAMAGALURU DISTRICT - 577101.

3. THE ASSISTANT COMMISSIONER
TARIKERE DIVISION, TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT - 577228.

4. SMT. PUTTAMMA
WIFE OF GOVINDAPPA,
AGED ABOUT 62 YEARS,
RESIDING AT KODIHALLI VILLAGE,
KASABA HOBLI, TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT- 577228.

5. SMT. HUCHHAMMA,
WIFE OF VENKATARAMU,
AGED ABOUT 52 YEARS,
RESIDING AT KODIHALLI VILLAGE,
KASABA HOBLI, TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT-577228.

6. SMT. CHANDRAMMA,
WIFE OF GANGADHARAPPA,
AGED ABOUT 47 YEARS,
RESIDING AT BHAVIKERE VILLAGE,
LAKKOHALLI HOBLI, TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT-577228.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. UTSAV GOWDA P.S., ADVOCATE FOR R4 - ABSENT;
R5 AND R6 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.C.Sadashiva, counsel for the petitioners and Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 3 appeared in person.

There is no representation on behalf of counsel for respondent No.4.

In PTCL writ petitions, the orders passed by the Assistant Commissioner and the Deputy Commissioner are ordinarily called into question. This Court has frequently noticed discrepancies in the names of the original grantees and the dates of grant and alienation recorded in the impugned orders. Hence, for the sake of convenience, this Court refers to the parties as the “original grantee” and

the relevant years of grant and alienation, instead of reproducing the names and dates.

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. This issue is limited to resumption proceedings. The land in question was granted to original grantee, in 1954. Later, the subject land was sold in 1964 through a

registered sale deed. Thereafter, several sale transactions were took place.

Nearly 43 years after the sale, in 2007, 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 43-years delay in initiating these proceedings. They failed to consider the issue of laches or the petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 43 years, especially since the rights in the land were settled by the sale deed in 1964. 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. 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 13.10.2017 passed by the Assistant Commissioner

vide Annexure-B, and the order dated 18.07.2024 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 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.: 37