HC-KAR

NC: 2026:KHC:62176
WP No. 24624 of 2024

CNR: KAHC010517482024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 24624 OF 2024 (SC/ST)

BETWEEN:

SRI. CHALAPATHI,
S/O. LATE BAYAPPA,
AGED ABOUT 41 YEARS,
R/AT PUTHRASONNENAHALLI VILLAGE,
BUDIKOTE HOBLI,
BANGARPET TALUK,
KOLAR DISTRICT - 563114.

...PETITIONER

(BY SRI. SOMASEKHARA K.H., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KOLAR DISTRICT,
KOLAR - 563 116.

2. SRI. P.M.SHEKAR,
S/O. MUNIYAPPA,
AGED ABOUT 45 YEARS,
R/AT PUTHRASONNENAHALLI VILLAGE,
BUDIKOTE HOBLI,
BANGARPET TALUK,
KOLAR DISTRICT - 563114.

3. THE ASSISTANT COMMISSIONER
KOLAR SUB-DIVISION,
KOLAR - 563116.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R3;
SRI. M.S.VARADARAJAN, AGDOCATE FOR R2)

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

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.K.H.Somasekhara, counsel for the petitioner, Smt.Savithramma, Additional Government Advocate for respondent Nos.1 and 3 and Sri.M.S.Varadarajan, counsel for respondent No.2 appeared in person.

2. The petition is filed seeking following reliefs:

(a) Call for records from 1st and 3rd respondent.

(b) Issue an order, direction or writ in the nature of writ of certiorari quashing the order dated 21.02.2024 passed by the 1st respondent made in No.P.T.C.L/24/2023, rejecting the appeal filed by the petitioner vide Annexure-A and the order dated 09.07.2021 passed by the 3rd respondent made in No.L.N.D/S.C./S.T/(BOM) 12/2016-17,

rejecting the application filed by the petitioner under Section 4 and 5 of the PTCL Act vide Annexure-B.

(c) *Pass such other reliefs as this Hon'ble Court may deems to fit in the facts and circumstances of the case.*

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 petitioner in presenting his argument vehemently contended that the alienation that took place in 1964 does not pertain to the land in question. Urging additional grounds, he submits that the orders of Assistant Commissioner and Deputy Commissioner are liable to be quashed and the writ petition may be allowed.

In reply, counsel for respondent No.2 submits that the said contention was not taken before the Assistant Commissioner and the Deputy Commissioner. On the contrary, they contended that the subject land was alienated. Urging additional grounds, he submits that the Assistant Commissioner and the Deputy Commissioner extenso referred to the material on record and rightly rejected the claim.

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

6. The issue involved in the present case is confined to the resumption proceedings. The land in

question was granted in 1940, and the first alienation took place in 1949, followed by several subsequent alienations.

In 2016, nearly 67 years after the first alienation and 37 years after the coming into force of the Act, resumption proceedings were initiated before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner rejected the claim on the ground of delay and laches. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner, who, in turn, affirmed the order passed by the Assistant Commissioner.

Having regard to the considerable delay in initiating the resumption proceedings, I am of the considered view that the Assistant Commissioner and the Deputy Commissioner were justified in rejecting the claim on the ground of delay and laches. I find no illegality or infirmity in the orders passed by the authorities warranting

interference by this Court in exercise of its writ jurisdiction.

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.

7. Accordingly, the writ petition, being devoid of merit, stands ***dismissed***.

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

SS
List No.: 1 Sl No.: 28