HC-KAR

CNR: KAHC010529522024

NC: 2026:KHC:62587
WP No. 25369 of 2024

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. 25369 OF 2024 (SC/ST)

BETWEEN:

GANGARAJU
BIN LATE NARASIMMAPPA,
AGED ABOUT 34 YEARS,
ADIGANAPALLI VILLAGE,
KASABA HOBLI,
BAGEPALLI TALUK,

PRESENTLY RESIDING AT
MARALU VILLAGE, KASABA HOBLI,
GORIBINDANUR TALUK-561208.

...PETITIONER

(BY SRI. SHAKEER ABBAS M., ADVOCATE FOR
SRI. AVINASH GOWDA G.S., ADVOCATE)

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

AND:

1. DEPUTY COMMISSIONER
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA-562101.

2. ASSISTANT COMMISSIONER
CHIKKABALLAPURA SUB-DIVISION,
CHIKKABALLAPURA-562101.

3. V.BIYAPPA REDDY
S/O LATE N.VENKATARAMA REDDY,
HOSAHADYA VILLAGE, KASABA HOBLI,

BAGEPALLI TALUK,
CHIKKABALLAPURA-562101.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SMT. KANAKA MAHALAKSHMI D., ADVOCATE FOR
SRI. A.C.CHETAN, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR ORDERS, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Shakeer Abbas M, counsel on behalf of Sri.Avinash Gowda G.S, for the petitioner, Smt.Savithramma, Additional Government Advocate for respondent Nos.1 and 2 and Smt.Kanaka Mahalakshmi D, counsel on behalf of Sri.A.C.Chetan, for respondent No.3 appeared in person.

2. The petition though listed for orders, with consent, it is heard finally.

3. This petition is filed seeking following reliefs:

(i) Set aside the order passed by respondent No.1 in RA/SC/ST/16/2021-22 dated

09.06.2023 produced hereto as Annexure-A and confirm the order passed by respondent No.2 in PTCL (BA) 61/2017-18 dated 18.08.2021 produced as Annexure-B.

(ii) Pass such other order/s as this Hon'ble Court deems fit to grant in the circumstances of the case and in the interest of justice and equity.

4. 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.

5. Counsel for the respective parties advanced several contentions.

Additional Government Advocate and counsel for respondent No.3 in presenting their arguments jointly submit that the applicant is a party to the sale deed. Hence, he could not have initiated resumption proceedings. It is further contended that the Deputy Commissioner taking note of the material evidence on record has rightly set aside the order passed by the Assistant Commissioner. Urging additional grounds, they submit that the petition lack merits and it may be dismissed.

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

7. This issue is limited to resumption proceedings. The land in question was granted in 1977. The alienation has taken place in 2014. The resumption proceedings were initiated in 2017. It is noted that Sri.Gangaraju claiming himself to be the legal representative of the original grantee initiated resumption proceedings.

It is pivotal to note that the applicant was a party to the sale deed as he himself has executed the sale deed. Taking

note of the law laid down by the Hon'ble Apex Court in ***SEETHAMMA's*** case, he could not have instituted proceedings under the provisions of the PTCL Act.

8. The Deputy Commissioner taking note of the material evidence on record, rightly set aside the order of the Assistant Commissioner. This Court finds no grounds to interfere with the order passed by the Deputy Commissioner. The petition being devoid of merits, it is ***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.: 2 Sl No.: 14