HC-KAR

NC: 2026:KHC:55424
WP No. 24005 of 2026

CNR: KAHC010531602026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.24005 OF 2026 (SC/ST)

BETWEEN:

1. SRI. N R SRIDHAR
   S/O LATE N.V. RAMARAO
   AGED ABOUT 70 YEARS
   R/AT TALAGUNDA VILLAGE
   VOKKALERI HOBLI
   KOLAR TALUK AND DISTRICT-563 130.

...PETITIONER

(BY SRI. NIKHIL K.N., ADVOCATE FOR
SRI. SHIVARAMA BHAT O., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
   KOLAR DISTRICT
   KOLAR-563 101.

2. THE ASSISTANT COMMISSIONER
   KOLAR SUB-DIVISION
   KOLAR-563 101.

3. RIYAZ UNNISSA
   W/O LATE SYED MUSTAFA
   AGED ABOUT 65 YEARS
   R/AT TALAGUNDA VILLAGE,
   VOKKALERI HOBLI,
   KOLAR TALUK AND DISTRICT-563 130.

4. SYED SHAFIULLA
   S/O LATE SYED MUSTAFA
   AGED ABOUT 50 YEARS

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

R/AT TALAGUNDA VILLAGE,
VOKKALERI HOBLI,
KOLAR TALUK AND DISTRICT-563 130.

5. SYED MUSTAFA
S/O IMAM SAB
AGED ABOUT 72 YEARS
R/AT TALAGUNDA VILLAGE
VOKKALERI HOBLI
MEDIHALA POST
NEAR TALAGUNDA BUS STAND
TALAGUNDA
KOLAR TALUK-563 157.

6. T.M. BABAJAN
S/O LATE SYED MUSTAFA
AGED ABOUT 48 YEARS
R/AT. TALAGUNDA VILLAGE,
VOKKALERI HOBLI,
KOLAR TALUK AND DISTRICT-563 130.

7. SADIQ
S/O LATE SYED MUSTAF
AGED ABOUT 45 YEARS
R/AT TALAGUNDA VILLAGE,
VOKKALERI HOBLI,
KOLAR TALUK AND DISTRICT-563 130.

8. SRI. N. RAJESH
S/O LATE T.M. NARAYANAPPA
AGED ABOUT 45 YEARS
R/AT TALAGUNDA VILLAGE,
VOKKALERI HOBLI,
KOLAR TALUK AND DISTRICT-563 130.

…RESPONDENTS

[BY SMT. SPOORTHI V., HCGP., FOR R.1 AND R.2;
VIDE COURT ORDER DATED 04.08.2026 NOTICE
TO R.3 TO R.7 DISPENSED WITH;
SRI. T.M. LOKESH, ADVOCATE FOR C/R.8 (ABSENT)]

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 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.Nikhil.K.N., counsel on behalf of Sri.Shivarama Bhat O., for the petitioner and Smt.Spoorthi., HCGP for respondent Nos. 1 & 2 appeared in person.

There is no representation on behalf of counsel for caveator/ respondent No.8.

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 as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, she 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 1971. Later, the subject land was sold in 1985-86 through a registered sale deed. Subsequently, the property was sold in 2011.

Nearly 34 years after the sale, in 2019, 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 34-year 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 34 years, especially since the rights in the land were settled by the sale deed in 1985-86. 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 03.12.2024 passed by the Assistant Commissioner vide Annexure-B, and the order dated 22.06.2026 passed by the Deputy Commissioner vide Annexure-A are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to 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

MRP
List No.: 1 Sl No.: 69