HC-KAR

CNR: KAHC010551122019

NC: 2026:KHC:62175
WP No. 1139 of 2020

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. 1139 OF 2020 (SC/ST)

BETWEEN:

1. SMT. YAVARNA SUSHEELA RANI,
W/O. Y.VENKATESHWARA RAO,
AGED ABOUT 58 YEARS,
R/AT PLOT NO.159,
GREEN PARK AVENUE,
MEDCHAL HIGHWAY,
JEEDIMETLA VILLAGE,
SECUNDERABAD - 500055.

2. SMT. PADALA SUGUNAVATHY,
W/O. SRI. PADALA ANJANEYA REDDY,
AGED ABOUT 68 YEARS,
R/AT NO.2783, 3B,
2ND FLOOR, 4TH CROSS,
20H MAIN, SECTOR-I,
H.S.R LAYOUT,
BENGALURU - 560102.

PETITIONERS NO.1 AND 2 ARE
REPRESENTED BY THEIR GPA HOLDER
SRI. CHANDRASHEKAR,
S/O. SRI. Y.VENKATESHWARA RAO,
AGED ABOUT 36 YEARS,
R/AT PLOT NO.1591,
GREEN PARK AVENUE,
MEDCHAL HIGHWAY,
JEEDIMETLA VILLAGE,
SECUNDERABAD - 500055.

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

3. SRI. AMAR NARAYAN REDDY,
S/O. LATE B.G.RAMA REDDY,
AGED ABOUT 56 YEARS,
R/AT NO.2783, 1B,
GROUND FLOOR, 4TH CROSS,
20TH MAIN, SECTOR-I,
H.S.R. LAYOUT,
BENGALURU - 560102.

…PETITIONERS

(BY SRI. VIGNESHWARA U., ADVOCATE FOR
SRI. S.K.ACHARYA, ADVCOATE)

AND:

1. THE DEPUTY COMMISSIONER
KOLAR SUB-DIVISION
KOLAR - 572201.

2. ASSISTANT COMMISSIONER
KOLAR SUB-DIVISION
KOLAR - 572201.

3. SMT. D.R.MANJULA,
W/O. SRI. ANANTH KUMAR,
AGE MAJOR,
R/AT KONADASAPURA VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 562192.

4. SMT. D.R.NARMADA
W/O. YASHODARA,
AGE MAJOR,
R/AT KAVAL BYRASANDRA,
R.T. NAGAR, BENGALURU-560032.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. B.N.SURESH BABU, ADVOCATE FOR R3 AND R4)

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.Vigneshwara U., counsel on behalf of Sri.S.K.Acharya, for the petitioners, Smt.Savithramma, Additional Government Advocate for respondent Nos.1 and 2 and Sri.N.Suresh Babu, counsel for respondent Nos.3 and 4 appeared in person.

2. The petition is filed seeking following reliefs:

(a) Issue a writ of certiorari, writ or direction, by quashing the impugned Order dated: 27.05.2019 passed in Case No.PTCL 18/2017 on the file of the Respondent No. 1 vide Annexure-A.

(b) Issue a writ of certiorari, writ or direction, by quashing the impugned Order dated: 13.03.2014 passed in Case No.LND SC/ST

42/2009-10 on the file of the Respondent No.2 vide Annexure-B and to declare the same as illegal and

(c) Grant such other and further relief/s as this Hon'ble Court deems fit in the circumstances of the case, in the interest of justice and equity.

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.

Additional Government Advocate justified the action on the part of Assistant Commissioner and Deputy Commissioner in resuming the land.

Counsel for respondent Nos. 3 and 4 submits that a detailed statement of objections has been filed and may be taken on record. He contends that, after the grantee's death, his wife sold the property in 1993 without impleading their two daughters in the sale deed, despite the grant being intended for the welfare of the family. He further points out that the Assistant Commissioner passed the order in 2014, whereas the appeal was filed only in 2017, resulting in an inordinate delay. Accordingly, he submits that the petition is devoid of merit and deserves to be dismissed.

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

6. This issue falls within a narrow compass and relates to the resumption proceedings initiated by the legal heirs of the grantee. The land in question was granted in

1977-78. A perusal of the records reflect that the family of the property has dealt with the property and has alienated in 1993. However, resumption proceedings were initiated after a lapse of 17 years in 2009-10.

The Assistant Commissioner allowed the claim and on appeal, the Deputy Commissioner confirmed the order. However, both the Assistant and Deputy Commissioners overlooked the nearly 17-year 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 17 years, especially since the rights in the land were settled by the sale deed in 1993. The oversight in considering the delay and laches led to orders for land resumption being issued without adequately addressing a crucial and relevant issue.

Furthermore, the plea that the appeal was filed belatedly cannot be raised in a writ petition instituted by the purchaser. Likewise, the questions concerning the validity of the sale deed and the fact that the daughters were not parties to the said sale deed involve disputed questions of fact, which cannot be adjudicated in writ proceedings.

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.

7. For the foregoing reasons, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be set aside.

8. The writ of certiorari is ordered. The order dated 13.03.2014 passed by the Assistant Commissioner vide Annexure-B, and the order dated 27.05.2019 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 petitioners' name in the subject land in the revenue records.

9. 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

SS
List No.: 1 Sl No.: 18