HC-KAR

NC: 2026:KHC:60579
WP No. 28291 of 2024

CNR: KAHC010565372024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 28291 OF 2024 (SC/ST)

BETWEEN:

A C SWAMY
S/O. CHANNAKESHAVAIAH,
AGED ABOUT 38 YEARS,
RESIDING AT AMBUGA VILLAGE,
SHANTHIGRAMA HOBLI,
HASSAN DISTRICT-573 201.

...PETITIONER

(BY SMT. SANDHYA D., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
   HASSAN DISTRICT,
   HASSAN-573 201.

2. THE ASSISTANT COMMISSIONER
   HASSAN SUB-DIVISION,
   HASSAN-573 201.

3. THE THASILDAR
   HASSAN TALUK,
   HASSAN-573 201.

4. A. N. SRINIVASA MURTHY
   S/O. LATE NARASIMHA BHAT,
   AGED MAJOR,
   BHARADWAJA NILAYA,
   9TH CROSS,

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

OPP. LAKSHMI LADIES HOSTEL,
SIT LAYOUT, TUMAKURU.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. PRITHVI RAJ B.N., ADVOCATE FOR 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. Sandhya D., counsel for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 3 and Sri.Prithvi Raj B.N., counsel for respondent No.4 appeared in person.

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.

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.

Counsel for the petitioner advanced several contentions and contended that the Assistant Commissioner and the Deputy Commissioner had erroneously rejected the claim for resumption on the ground that the family tree and the original grant records

had not been furnished. She further submitted that the petitioner may be permitted to produce the family tree in the present writ petition. Urging additional grounds, she sought to contend that the petition deserves to be allowed.

AGA and counsel for respondent No.4 justified the orders passed by the Assistant Commissioner and the Deputy Commissioner. They contended that the petition is devoid of merits and is liable to 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 in the year 1941 and was subsequently sold in the year 2013. The applicant, Sri. A.C.Swamy, claiming to be a family member of the original grantee, initiated proceedings for resumption of the land in the year 2019.

A perusal of the orders passed by the Assistant Commissioner and the Deputy Commissioner indicates that

both authorities have examined the material available on record and have recorded findings rejecting the claim for resumption. The contention of the petitioner that he may be permitted to produce the family tree at this stage, in the present writ proceedings, cannot be accepted. The petitioner cannot seek to overcome the deficiencies in the material placed before the authorities by seeking permission to produce additional documents at this stage.

Furthermore, it is relevant to note that the applicant was one of the party to the sale deed executed in the year 2013.

In view of the above, this Court finds no ground to interfere with the concurrent findings recorded by the Assistant Commissioner and the Deputy Commissioner. The writ petition is devoid of merits and is accordingly ***rejected***.

Because of rejection of the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

Sd/-
(JYOTI M)
JUDGE

AM
List No.: 1 Sl No.: 22