HC-KAR

NC: 2026:KHC:59806
WP No. 27797 of 2024

CNR: KAHC010568652024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 27797 OF 2024 (SC/ST)

BETWEEN:

SMT. SEETHARAGHURAMAN
W/O R G RAGHURAMAN
AGED ABOUT 78 YEARS
RESIDING AT NO.5,
DEIVASIGAMANI STREET,
RAYAPETTA, CHENNAI-600014

…PETITIONER

(BY SRI. SANJAY KRISHNA V., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF REVENUE
MULTISTORIED BUILDING
DR. AMBEDKAR ROAD
BENGALURU-560001.

2. THE DEPUTY COMMISSIONER
KANDAYA BHAVAN, K.G. ROAD,
BENGALURU-560009.

3. THE ASSISTANT COMMISSIONER
KANDAYA BHAVAN, K.G. ROAD,
BENGALURU-560009.

4. SRI. K.M.GOPALA KRISHNA
S/O K.C.MUNIMARAIAH,
AGED MAJOR

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

5. K.M.CHANDRASHEKAR
S/O. K.C.MUNIMARAIAH,
AGED MAJOR

RESPONDENTS NO.4 AND 5 ARE
RESIDING AT KUMBALAGODU VILLAGE,
KENGERI HOBLI,
BENGALURU SOUTH TALUK-560060.

6. SRI. I.M.MUGDAM,
SON OF MALLAPPA
AGED ABOUT 57 YEARS
RESIDING AT NO.343, SADASHIVNAGAR,
BENGALURU-560080.

7. SRI. MANOJ I. MUGDAM
SON OF SRI. I.M. MUGDAM
AGED MAJOR,
RESIDING AT 343, SADASHIVNAGAR,
BENGALURU-560080.

8. SRI. J.CHANDRURAJ,
SON OF A.V.JAYANNA,
AGED ABOUT 62 YEARS,
NO.468, 7TH BLOCK, 7TH CROSS,
JAYANAGAR-560050.

9. SRI. L.JAGADISH
M/S. JEAR EDUCATIONAL TRUST,
C/O. OFFICE OF JOINT SUB REGISTRAR
VIJAYAVADA, ANDRA PRADESH-520003.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. DILIP KUMAR L., ADVOCATE FOR
SRIL SANGAMESH R.B., ADVOCATE FOR R4 AND R5;
VIDE COURT ORDER DATED 22.11.2024,
NOTICE TO R6 TO R9 IS DISPENSED WITH)

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.V.Sanjay Krishna., counsel for the petitioner and Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 3, appeared in person.

Sri.Dilip Kumar L., counsel appearing on behalf of Sri.Sangamesh R.B., for respondent Nos.4 and 5, appeared through video conferencing and seeks time.

This Court is not inclined to grant time. The reason is apparent. On 24.07.2026, at his request, the matter was directed to be listed today, and accordingly, it is listed today. Hence, this Court proceeds to consider the matter and pass orders on the merits of the case.

In PTCL writ petitions, the orders passed by the Assistant Commissioner and the Deputy Commissioner are

ordinarily called into question. This Court has frequently noticed discrepancies in the names of the original grantees and the dates of grant and alienation recorded in the impugned orders. Hence, for the sake of convenience, this Court refers to the parties as the "original grantee" and the relevant years of grant and alienation, instead of reproducing the names and dates.

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 an appropriate order may be passed.

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 1940. Later, the subject land was sold in 1971 through a registered sale deed. In turn it was sold in 2002.

Nearly 38 years after the sale, in 2009, 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 38-years 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 38 years, especially since the rights in the land were settled by the sale deed in 1971. 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 11.11.2011 passed by the Assistant Commissioner vide Annexure-B, and the order dated 12.04.2024 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 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

AM
List No.: 1 Sl No.: 38