HC-KAR

NC: 2026:KHC:62592
WP No. 27177 of 2024

CNR: KAHC010580622024

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. 27177 OF 2024 (SC/ST)

BETWEEN:

SRI. A.M. MUNIVENKATEGOWDA
S/O. A.V. MUNIVENKATAPPA,
AGED ABOUT 67 YEARS,
R/AT ADUR VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK-560 049.

...PETITIONER

(BY SRI. AJAY N., ADVOCATE FOR
MS. NAMITA NARAYANASWAMI, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS UNDER SECRETARY,
TO THE DEPARTMENT OF REVENUE,
M.S. BUILDING,
BENGALURU-560 001.

2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT,
BENGALURU-560 009.

3. THE ASSISTANT COMMISSIONER
BENGALURU NORTH SUB-DIVISION,
KANDAYA BHAVANA,
K.G. ROAD, BENGALURU-560 002.

4. SRI. B.N. RAMESH
S/O. B.N. NARAYANAPPA,
AGED ABOUT 25 YEARS,

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

5. SRI. B. KRISHNAREDDY
S/O. LATE BALAREDDY,
AGED ABOUT 45 YEARS,

NOS.4 AND 5 ARE
R/AT ADUR VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK-560 049.

6. SRI. VENKATASWAMY
S/O. LATE ARAKERAPPA,
AGED ABOUT 60 YEARS,
R/AT ADUR VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK-560 049.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. A.T. JAYARAM, ADVOCATE FOR R4 AND R5 (ABSENT);
SRI. YOGESH M., ADVOCATE FOR
SRI. V. MANJUNATHA, ADVOCATE FOR R6)

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.Ajay.N., counsel appearing on behalf of Smt.Namita Narayanaswami., for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 3,

and Sri.Yogesh.M., counsel appearing on behalf of Sri.V.Manjunatha., for respondent No.6 appeared in person.

There is no representation on behalf of respondent Nos.4 and 5.

2. The petition is filed seeking following reliefs:

"a) Issue a writ of certiorari, quashing the Order dated 24.09.2024 passed by Respondent No.2 in SCST(A)433/2017 vide ANNEXURE-A;

b) Consequently, confirm the Order dated 01.06.2015 passed in KSCST/65/2014-15 by the Respondent No.3 vide ANNEXURE-A1; and

c) Such other order or direction as this Hon'ble Court may deem fit to grant, 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.

Counsel for respondent No. 6 submits that the grant was subject to a non-alienation condition for a period of 20 years, which was violated by the subsequent alienation. He further submits that the Deputy Commissioner has extensively considered the material on record and rightly set aside the order of the Assistant Commissioner. On these grounds, he contends that the writ petition lack merits and is liable to be dismissed.

AGA submits that an appropriate orders may be passed.

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

6. The issue involved in the present case falls within a narrow compass and pertains to the resumption proceedings. The land in question was granted during the year 1938-39, and the first alienation took place in 1942–43. However, the resumption proceedings were initiated only after an inordinate delay of nearly 72 years from the date of alienation and 35 years from the commencement of the PTCL Act in 2014-15. The Assistant Commissioner rejected the claim. On appeal the Deputy Commissioner, set aside the order passed by the Assistant Commissioner.

In the considered opinion of this Court, the Deputy Commissioner failed to take into consideration the aspect of delay and laches in initiating the resumption proceedings. The Assistant Commissioner was justified in rejecting the petition. The failure to examine the question of delay and laches, which is a crucial and relevant consideration in proceedings of this nature, has resulted in an erroneous order directing resumption of the land. Consequently, the order passed by the Deputy Commissioner cannot be sustained and is liable to be set aside.

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.

7. For the foregoing reasons, the order of the Deputy Commissioner is liable to be set aside.

8. The writ of certiorari is ordered. The order dated 24.09.2024 passed by the Deputy Commissioner vide Annexure-A is quashed. As this Court has quashed the order, the authority concerned is hereby directed to mutate / restore the petitioner's 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

CH/List No.: 2 Sl No.: 23