HC-KAR

NC: 2026:KHC:62178
WP No. 27841 of 2025

CNR: KAHC010600842025

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. 27841 OF 2025 (SC/ST)

BETWEEN:

1. SHANKARA NAYAKA,
S/O. SRI. MALLA @ MALLA NAYAKA,
AGED ABOUT 46 YEARS,
THUMABASOGE VILLAGE,
SARAGOOR HOBLI,
HD KOTE TALUK,
MYSORE DISTRICT - 571121.

2. CHENNA NAYAKA,
S/O. SRI. MALLA @ MALLA NAYAKA,
AGED ABOUT 41 YEARS,
WARD NO.2, HATHIMARADA BEEDI,
KALLUKUNIKE, HUNSUR TOWN,
MYSORE DISTRICT - 571105.

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Location: HIGH COURT OF KARNATAKA

3. MANJU
S/O. SRI. MALLA @ MALLA NAYAKA,
AGED ABOUT 42 YEARS,
SHANTHIPURA VILLAGE,
SARAGOOR HOBLI,
HD KOTE TALUK,
MYSORE DISTRICT - 571121.

4. MAHADEVAMMA,
W/O. SRI.NAGARAJU,
AGED ABOUT 41 YEARS,
VALMIKI CHATRADA BEEDI,

ULLAHALLI, NANJANGUD TOWN,
MYSORE DISTRICT - 571314.

5. PUTTAMMA,
W/O. SRI.NAGARAJU,
AGED ABOUT 39 YEARS,
HAKTHOOR VILLAGE,
SARAGOOR HOBLI,
HD KOTE TALUK,
MYSORE DISTRICT - 571121.

6. BASAVARAJA NAYAKA
S/O. SRI. MALLA @ MALLA NAYAKA,
AGED ABOUT 38 YEARS,
THUMABASOGE VILLAGE,
SARAGOOR HOBLI,
HD KOTE TALUK,
MYSORE DISTRICT - 571121.

…PETITIONERS

(BY SMT. RASHMI N.L., ADVOCATE)

AND:

1. PRINCIPAL SECRETARY,
GOVERNMENT OF KARNATAKA,
REVENUE DEPARTMENT,
BENGALURU-560001.

2. THE DEPUTY COMMISSIONER,
KODAGU DISTRICT,
MADIKERI-271201.

3. THE ASSISTANT COMMISSIONER,
MADIKERI SUB DIVISION,
MADIKERI-571201.

4. SRI. M.N.ROSHAN,
S/O. MUKKATIRA NANAIAH,
AGED ABOUT 35 YEARS,

NITTUR KARMADU VILLAGE,
BALELE HOBLI, PONNAMPET TALUK,
KODAGU DISTRICT-571219.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. K.S.BHEEMAIAH, 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

Smt.Rashmi.N.L, counsel for the petitioners, Smt.Savithramma, Additional Government Advocate for respondent Nos.1 to 3 and Sri.K.S.Bheemaiah, counsel for respondent No.4 appeared in person.

2. This petition is filed seeking following reliefs:

a) Issue a Writ or Order in the nature of Certiorari quashing the order dated: 18/2/2025 passed in PTCL No.20/2024 by the Respondent No.2 - Annexure-A and consequently confirm the order dated: 26/9/2024 passed by the 3rd Respondent

in PTCL/01/2024-25 in favor of the Petitioners-Annexure-F.

b) Pass such other order or orders as this Hon'ble Court deems fit under the facts and circumstances of the case including the cost of the proceedings so as to meet the ends 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. The Court heard the arguments and carefully perused the papers.

5. The issue involved in the present case is confined to the resumption proceedings. The land in question was granted in the year 1959, and the alienation took place in the year 1990. However, the proceedings seeking resumption of the land were initiated only in the year 2024, after an inordinate delay of nearly 34 years from the date of the alienation.

The Assistant Commissioner, upon consideration of the claim, proceeded to allow the application for resumption. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner. The Deputy Commissioner, upon examining the material available on record rightly set aside the order passed by the Assistant Commissioner.

This Court finds that the Deputy Commissioner has duly considered the relevant material on record and has assigned justifiable reasons for interfering with the order of the Assistant Commissioner. Having regard to the considerable delay in initiating the resumption proceedings, this Court finds no illegality or perversity in the order passed

by the Deputy Commissioner warranting interference in exercise of its writ jurisdiction.

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.

6. Accordingly, the writ petition, being devoid of merit, is ***rejected***.

On rejection 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.: 34