HC-KAR

NC: 2026:KHC:61223
WP No. 27185 of 2026

CNR: KAHC010605152026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 27185 OF 2026 (SC/ST)

BETWEEN:

SMT. MUDDAMMA
W/O M. N. MUDDAREDDY,
AGED ABOUT 62 YEARS,
R/AT MYAKALAMADDAIAHGARIPALLI VILLAGE,
SOMENAHALLI HOBLI, GUDIBANDE TALUK,
CHIKKABALLAPUR DISTRICT - 562 101.

...PETITIONER

(BY SRI. DEVENDRA N., ADVOCATE)

AND:

1. DEPUTY COMMISSIONER
   CHIKKABALLAPUR DISTRICT - 562 101.

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

2. ASSISTANT COMMISSIONER,
   CHIKKABALLAPUR TALUK,
   CHIKKABALLAPUR - 562 101.

3. SMT. SARASWATHAMMA
   W/O LATE M. V. RAMANJINAPPA,
   AGED ABOUT 40 YEARS
   R/AT MYAKALAMADDAIAHGARIPALLI VILLAGE,
   SOMENAHALLI HOBLI, GUDIBANDE TALUK,
   CHIKKABALLAPUR DISTRICT - 562 101.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. LOKESH M.N., ADVOCATE FOR
SRI. V.SHIVAKUMAR, ADVOCATE FOR R3)

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.Devendra.N., counsel for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 and 2, and Sri.Lokesh.M.N., counsel appearing on behalf of Sri.V.Shivakumar., for respondent No.3 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 order passed by the Deputy Commissioner. This order is 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 orders may be passed.

Counsel for respondent No.3 submits that there was no laches on the part of the family of the original grantee in seeking resumption and the resumption is justified.

Urging additional grounds, he submits that the petition lacks merit and the same may 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 1952. Later, the subject land was sold in 1988-89 through a registered sale deed.

Nearly 27 years after the sale, in 2015, the legal heir of the original grantee initiated proceedings before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner rejected the petition. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who allowed the appeal and ordered the land to be resumed. The Assistant Commissioner is justified in rejecting the petition. However, the Deputy Commissioner overlooked the nearly 27 years delay in initiating this proceedings. He failed to consider the issue

of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

The authority should have evaluated whether to proceed after nearly 27 years, especially since the rights in the land were settled by the sale deed in 1988. 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 order passed by the Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained. Accordingly, the impugned order is liable to be set aside.

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

7. The writ of certiorari is ordered. The order dated 14.08.2026 passed by the Deputy Commissioner vide Annexure-A is quashed. As this Court has quashed the order, the authority concerned is hereby directed to 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.: 54