HC-KAR

NC: 2026:KHC:62177
WP No. 31123 of 2024

CNR: KAHC010660402024

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. 31123 OF 2024 (SC/ST)

BETWEEN:

1. SMT. CHANNAMMA,
   W/O. LATE BASAVALINGAPPA,
   AGED 72 YEARS,

2. SMT. CHANDRAKALA,
   W/O. G.V.RAVEESH,
   AGED 42 YEARS,

   BOTH ARE RESIDING AT
   GORAGONDANAHALLI VILLAGE,
   KASABA HOBLI, TIPTUR TALUK,
   TUMKUR DISTRICT - 572201.

...PETITIONERS

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

(BY SRI. M.B.CHANDRACHOODA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   BY ITS SECRETARY TO GOVERNMENT,
   REVENUE DEPARTMENT,
   M.S. BUILDING,
   DR. AMBEDKAR VEEDHI,
   BENGALURU - 560001.

2. THE DEPUTY COMMISSIONER,
   TUMAKURU DISTRICT,
   TUMAKURU-572 101.

3. THE ASSISTANT COMMISSIONER,
TIPTUR SUB DIVISION,
TIPTUR - 572201,
TUMAKURU DISTRICT.

4. SRI. R.RANGASWAMY,
S/O. LATE RANGAIAH,
AGED MAJOR,
R/AT AT GORAGONDANAHALLI VILLAGE,
KASABA HOBLI, TIPTUR TALUK,
TUMAKURU DISTRICT - 572201.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. H.P.MALLEGOWDA, ADVOCATE FOR R4-ABSENT)

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.M.B.Chandrachooda, counsel for the petitioners and Smt.Savithramma, Additional Government Advocate for respondent Nos.1 to 3 appeared in person.

There is no representation on behalf of counsel for respondent No.4.

Counsel for the petitioners submits that the petitioners are not pressing prayer No.ii.

The oral submission regarding non pressing of prayer No.ii is placed on record.

2. This petition is filed seeking following reliefs:

(i) Quash the Order dated 22/10/2024 passed in case No. PTCL No.8/2022 and PTCL No.27/2022 on the file of the Deputy Commissioner, Tumakuru District, Tumakuru vide Annexure-J, by issue of writ of certiorari.

(ii) Quash the Act No.30/2023, the Karnataka Scheduled Caste and Scheduled Tribes (PTCL) Act, 1978, Amendment Act, 20/2023 ultravires, to the Constitution of India, declaring the same as void vide Annexure-K,

(iii) Issue any appropriate writ, order or direction as deemed fit in the circumstances of the case.

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.

Additional Government Advocate justified the action on the part of the Deputy Commissioner and submits that the petition lack merits and it may be dismissed.

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

6. The issue involved in the present case is confined to the resumption proceedings. The land in question was granted in the year 1944, and the first alienation took place in the year 1993. However, the resumption proceedings were initiated only in the year 2016, after a lapse of nearly 23 years from the date of the first alienation.

The Assistant Commissioner rejected the petition seeking resumption of the land. In the appeal preferred against the said order, the Deputy Commissioner partly allowed the appeal and remanded the matter to the Assistant Commissioner for fresh consideration. While the Assistant Commissioner was justified in rejecting the claim, the Deputy Commissioner, while passing the order of remand, failed to take into consideration the inordinate delay of nearly 23 years in initiating the resumption proceedings.

The Deputy Commissioner ought to have considered the question of delay and laches, particularly the contention of the petitioners that the proceedings were initiated after an unreasonable and unexplained lapse of time. The authority was required to examine whether the resumption proceedings could be entertained after such a considerable delay, especially when the rights in respect of the land had been dealt with under the registered sale deed executed in the year 1993.

The failure of the Deputy Commissioner to consider the aspect of delay and laches, which is a material and relevant consideration in the present case, has resulted in an order of remand without addressing a crucial issue arising for consideration. Therefore, the order passed by the Deputy Commissioner cannot be sustained and warrants interference by this Court.

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, cannot be legally sustained. Accordingly, the impugned order is liable to be set aside.

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 22.10.2024 passed by the Deputy Commissioner vide Annexure-J is quashed. As this Court has quashed the order, the authority concerned is hereby directed to restore the petitioners' 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

SS
List No.: 1 Sl No.: 30