HC-KAR

NC: 2026:KHC:62179
WP No. 30640 of 2025

CNR: KAHC010662542025

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. 30640 OF 2025 (SC/ST)

BETWEEN:

SRI. A.C.MANOHAR,
AGED ABOUT 37 YEARS,
S/O. CHIKKANARAYANAPPA,
R/AT ANUPAHALLI VILLAGE,
SULIBELE HOBLI,
HOSAKOTE TALUK-562114.

...PETITIONER

(BY SRI. PRADEEP KUMAR R.H., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S.BUILDINGS,
BENGALURU - 560001.

2. THE DEPUTY COMMISSIONER,
BENGALURU RURAL DISTRICT,
BENGALURU - 562110.

3. THE ASSISTANT COMMISSIONER,
DODDABALLAPURA SUB-DIVISION,
BENGALURU - 561203.

4. THE TAHASILDAR,
HOSAKOTE TALUK,
HOSAKOTE - 562114.

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

5. C.MUNIRAJU,
S/O. LATE CHOWDAIAH,
AGED ABOUT 65 YEARS,
R/AT VINAYAKANAGAR,
M.V.EXTENSION, HOSAKOTE,
BENGALURU RURAL DISTRICT - 562114.

6. MUNIYAPPA,
S/O. NARASAPPA,
AGED ABOUT 65 YEARS,
R/AT ANUPAHALLI VILLAGE,
SULIBELE HOBLI,
HOSAKOTE TALUK-562114.

7. ASHWATHAMMA,
D/O. KRISHNAPPA,
AGED ABOUT 43 YEARS,
R/AT ANUPAHALLI VILLAGE,
SULIBELE HOBLI,
HOSAKOTE TALUK-562114.

8. VENKATASWAMY,
S/O. CHIKKANJAPPA,
AGED ABOUT 58 YEARS,
R/AT ANUPAHALLI VILLAGE,
SULIBELE HOBLI,
HOSAKOTE TALUK-562114.

BARAGAPPA
SINCE DEAD
REPRESENTED BY LR'S
RESPONDENTS NO.9 TO 12

9. KANAKAMMA,
W/O. LATE BARAGAPPA,
AGED ABOUT 65 YEARS,
R/AT ANUPAHALLI VILLAGE,
SULIBELE HOBLI,
HOSAKOTE TALUK-562114.

10. AMBIKA KAVITHA,
W/O. CHIKKATHAYAPPA,
D/O. LATE BARAGAPPA
AGED ABOUT 35 YEARS
R/AT ANUPAHALLI VILLAGE,
SULIBELE HOBLI,
HOSAKOTE TALUK-562114.

11. ARUNA,
W/O. MUNIRAJU,
D/O. BARAGAPPA,
AGED ABOUT 32 YEARS,
R/AT ANUPAHALLI VILLAGE,
SULIBELE HOBLI,
HOSAKOTE TALUK-562114.

12. ASHA,
W/O. RAMESH,
AGED ABOUT 30 YEARS,
R/AT ANUPAHALLI VILLAGE,
SULIBELE HOBLI,
HOSAKOTE TALUK-562114

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. SHANKARAPPA, ADVOCATE FOR R5 - ABSENT;
VIDE COURT ORDER 8/7/2026,
NOTICE TO R6 TO R12 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.Pradeep Kumar.R.H., counsel for the petitioner and Smt.Savithramma, Additional Government Advocate for respondent Nos.1 to 4 appeared in person.

There is no representation on behalf of respondent No.5.

2. This petition is filed seeking following reliefs:

(i) Issue a writ, order or directions in the nature of certiorari quashing the impugned order dated 25.09.2025 passed by the 2nd respondent in case bearing No.PTCL/55/2022 vide Annexure-A.

(ii) Issue any other appropriate writ, order or directions as this Hon'ble Court deems fit under the facts and circumstances of the case, 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.

Additional Government Advocate submits that an appropriate orders may be passed.

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

6. This issue is limited to resumption proceedings. The land in question was granted in 1951-52. The first alienation has taken place in 1958.

In 2018, the resumption proceedings were initiated before the Assistant Commissioner after a lapse of nearly 60 years from the date of sale and 40 years from the coming into force of the PTCL Act. The Assistant Commissioner rejected the claim. The Deputy Commissioner, erroneously set aside the order passed by the Assistant Commissioner. The Assistant Commissioner is justified in rejecting the petition. However, the Deputy Commissioner overlooked the nearly 60 years delay from the date of sale and 40 years delay from the coming into force of the PTCL Act 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 60 years delay from the date of sale and 40 years delay from the coming into force of the PTCL Act, especially since the rights in the land were settled by

the sale deed in 1958. 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.

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 25.09.2025 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.

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.: 35