HC-KAR

NC: 2026:KHC:61219
WP No. 32082 of 2024

CNR: KAHC010668272024

**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. 32082 OF 2024 (SC/ST)**

**BETWEEN:**

1. SMT. B.S.TARA
   W/O LATE B M KRISHNAPPA
   AGED ABOUT 80 YEARS,

2. SRI. H.K.SRINIVASA
   S/O LATE B M KRISHNAPPA
   AGED ABOUT 55 YEARS,

3. SRI. H.K.JAGADISH
   S/O LATE B M KRISHNAPPA
   AGED ABOUT 53 YEARS,

4. SRI. H.K.SHEKAR
   S/O LATE B M KRISHNAPPA
   AGED ABOUT 51 YEARS,

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

5. SRI. H.K.RAJU
   S/O LATE B M KRISHNAPPA
   AGED ABOUT 48 YEARS,

6. SRI. H.K.VIJAYA
   S/O LATE B M KRISHNAPPA
   AGED ABOUT 46 YEARS,

   ALL ARE RESIDING AT
   HALEBEEDU VILLAGE, HALEBEEDU HOBLI
   BELURU TALUK, HASSANA DISTRICT.

…PETITIONERS

(BY SRI. K P BHUVAN, ADVOCATE)

**AND:**

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

2. THE DEPUTY COMMISSIONER
HASSAN DISTRICT
HASSAN 573201

3. THE ASSISTANT COMMISSIONER
SAKALESHPURA SUB DIVISION
SAKALESHPURA TALUK 573134

4. SRI. H D MUNIVENKATAPPA
S/O LATE DASAIAH
SINCE DEAD REPRESENTED BY LRS

4(A) SMT. H.M.RATHNAMMA,
D/O. LATE SRI MUNIVENKATAPPA,
AGED ABOUT 50 YEARS,

4(B) SRI. H.M.RAMESH,
S/O. LATE SRI MUNIVENKATAPPA,
AGED ABOUT 48 YEARS,

4(C) SRI. H.M.VASANTH KUMAR,
S/O. LATE SRI MUNIVENKATAPPA,
AGED ABOUT 46 YEARS,

4(D) SRI. LAKSHMANA,
S/O. LATE SRI MUNIVENKATAPPA,
AGED ABOUT 44 YEARS,

5. SRI. ERAPPA
S/O LATE DASAIAH
SINCE DEAD REPRESENTED BY LRS

5(A) SMT. MANJULA H.E.,
D/O. LATE SRI ERAPPA,
AGED ABOUT 46 YEARS,

5(B) SMT. PRAMILA H.E.,
D/O. LATE SRI ERAPPA,
AGED ABOUT 38 YEARS,

5(C) SRI. BALAJI H.E.,
S/O. LATE SRI ERAPPA,
AGED ABOUT 36 YEARS,

RESPONDENTS NO.4(A) TO 4(D)
AND 5(A) TO 5(C) ARE
R/AT THARAGINAPET,
BEHIND S.V.P.BAR,
HALEBEEDU VILLAGE,
HALEBEEDU HOBLI,
BELURU TALUK-573121.

6. SRI. SHIVAPPA @ SHIVANNA
S/O LATE MALLAPPA
AGED ABOUT 68 YEARS,
R/AT THARAGINAPET
BEHIND S.V.P. BAR,
HELEBEEDU VILLAGE,
HALEBEEDU HOBLI,
BELURU TALUK - 573121.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. SOMASHEKAR K.M., ADVOCATE FOR
R4(A TO D) AND R5(A TO C);
R6 SERVED AND UNREPRESENTED)

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.K.P.Bhuvan., counsel for the petitioners; Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 3, and Sri.Somashekar K.M., counsel for respondent Nos.4 (A to D) and respondent Nos.5 (A to C) 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 orders passed by the Assistant Commissioner and the Deputy Commissioner. These orders are 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.

Counsel for the petitioners, while presenting his arguments, submits that the applicants themselves sold the property in 1993 and thereafter initiated resumption proceedings, which is untenable in law. In view of the law laid down by the Apex Court in the case of *Seethamma*, they could not have initiated proceedings for resumption.

AGA submits that an appropriate orders may be passed.

Counsel for respondent Nos.4 (A to D) and respondent Nos.5 (A to C) submits that as there was a violation of provisions of PTCL Act, 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 the resumption proceedings. The land in question was granted to the original grantee in 1973-74. Subsequently, the legal heirs of the grantee sold the subject land to respondent No.6 under a registered sale deed in 1993. Thereafter, the property was sold in 2002.

Nearly 19 years after the sale, in 2012, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner approved the petition and ordered the land to be resumed. Dissatisfied, an appeal was preferred to the Deputy Commissioner, who

upheld the original order. However, both the Assistant and Deputy Commissioners overlooked the nearly 19-years delay in initiating these proceedings. They failed to consider the issue of laches or the petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authorities should have evaluated whether to proceed after nearly 19 years, especially since the rights in the land were settled by the sale deed in 1993. 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.

Furthermore, respondents 4 and 5 themselves have sold the property and have also initiated the resumption

proceedings. In view of the law laid down by the Hon'ble Apex Court in the *Seethamma* case, they could not have instituted proceedings under the provisions of the PTCL Act.

In the facts and circumstances of the case, this Court is of the considered view that the orders passed by the Assistant Commissioner and confirmed by the Deputy Commissioner, directing resumption of the subject land, cannot be legally sustained. Accordingly, the impugned orders are liable to be set aside.

6. For the foregoing reasons, the orders of the Assistant Commissioner and the Deputy Commissioner are liable to be set aside.

7. The writ of certiorari is ordered. The order dated 03.10.2018 passed by the Assistant Commissioner vide Annexure-G, and the order dated 11.06.2024 passed by the Deputy Commissioner vide Annexure-K are quashed. As this Court has quashed the orders, the

authority concerned is hereby directed to mutate/ restore the petitioners' 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.: 40