HC-KAR

NC: 2026:KHC:59809
WP No. 32871 of 2025

CNR: KAHC010703752025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 32871 OF 2025 (SC/ST)

BETWEEN:

SRI K A RAMAKRISHNA
S/O LATE ANJINAPPA
AGED ABOUT 56 YEARS
R/AT KADIGANAHALLI VILLAGE
JALA HOBLI, YALAHANKA TALUK,
BENGALURU - 562157.

...PETITIONER

(BY SRI. M.S.ASWATHA REDDY, ADVOCATE)

AND:

1. THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
M S BUILDING,
BENGALURU - 560001

2. THE DEPUTY COMMISSIONER
CHIKKABALLAPURA DISTRICT
CHIKKABALLAPURA - 562101.

3. THE ASSISTANT COMMISSIONER
CHIKKABALLAPURA DISTRICT
CHIKKABALLAPURA - 562101

4. THE TAHSILDAR
CHIKKABALLAPURA DISTRICT
CHIKKABALLAPURA - 562101

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

5. SMT JAYALAKSHMAMMA
D/O LATE VENKATANARASAMMA
AND LATE KONDAPPA
AGED ABOUT 49 YEARS
R/AT AD COLONY, UDUGURU VILLAGE,
D PALYA HOBLI, GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DISTRICT - 561208

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. PARIKSHITH MALIYE, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 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.S.Aswatha Reddy., counsel for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos. 1 to 4, and Sri. Parikshith Maliye., counsel for respondent No.5 appeared in person.

In PTCL writ petitions, the orders passed by the Assistant Commissioner and the Deputy Commissioner are ordinarily called into question. This Court has frequently noticed discrepancies in the names of the original grantees

and the dates of grant and alienation recorded in the impugned orders. Hence, for the sake of convenience, this Court refers to the parties as the "original grantee" and the relevant years of grant and alienation, instead of reproducing the names and dates.

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.

AGA and counsel for respondent No.5 submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, they submit 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 to original grantee, in 1994. Later, the subject land was sold in 2005 through a registered sale deed.

Nearly 09 years after the sale, the applicant, initiated resumption proceedings before the Assistant Commissioner in 2014. 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 09-years delay in initiating these proceedings. They failed to consider the issue of laches or the petitioner's claim that the proceedings were commenced after an unreasonable delay.

Undoubtedly, the PTCL Act was enacted to protect members of Scheduled Castes and Scheduled Tribes from exploitation by prohibiting alienation of granted lands without prior permission. The remedy of resumption is available to protect the grantee against unauthorized transfers. However, when the grantee or his heirs voluntarily execute a registered sale deed, they cannot later invoke the Act to nullify their own transaction. Thus, the right to challenge it is limited. The Act's protective umbrella is intended to shield the grantee from exploitation by others, not to allow the grantee to repudiate his own act. Courts therefore apply estoppel against the grantee. The failure to consider these material aspects renders the impugned orders directing resumption of the land invalid.

The authorities should have evaluated whether to proceed after nearly 09 years, especially since the rights in the land were settled by the sale deed in 2005. 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 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 16.10.2024 passed by the Assistant Commissioner vide Annexure-J, and the order dated 09.05.2025 passed by the Deputy Commissioner vide Annexure-N are quashed. As this Court has quashed the orders, the authority concerned is hereby directed to mutate/ 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.: 44