HC-KAR

NC: 2026:KHC:60842
WP No. 34937 of 2025

CNR: KAHC010748482025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 34937 OF 2025 (SC-ST)

BETWEEN:

GURUSIDDA NAYAKA
S/O SIDDA NAYAKA,
AGED ABOUT 86 YEARS,
R/O HARTHIKOTE VILLAGE,
IMANGALA HOBLI,
HIRIYUR TALUK - 577 545.

...PETITIONER

(BY SRI. R.SHASHIDHARA, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
CHITRADURGA DISTRICT,
CHITRADURGA - 577 501.

2. THE ASSISTANT COMMISSIONER
CHITRADURGA SUB DIVISION,
CHITRADURGA - 577 501.

3. THE TAHSHILDAR
HIRIYUR TALUK,
HIRIYUR - 577 545.

4. THIPPESWAMY
S/O LATE DURUGAPPA,
AGED ABOUT 55 YEARS,
R/O HARTHIKOTE VILLAGE,
HIRIYUR TALUK - 577 545.

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

5. H.V. VEERENDRA SIMHA
S/O H.V. VEERANAIKA,
AGE MAJOR,

6. H.V. PRATHAPA SIMHA
S/O H.V. VEERANAIKA,
AGE MAJOR,

7. H.V. MUDDUMANI
W/O H.V. VEERANAIKA,
AGE MAJOR,

RESPONDENTS NO.5 TO 7 ARE
R/O HARTHIKOTE VILLAGE,
IMANGALA HOBLI,
HIRIYUR TALUK - 577 545.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
R4 TO R7 ARE 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.R.Shasidhara., counsel for the petitioner and Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 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.

Counsel for the petitioner, while advancing his arguments, strenuously contended that the Assistant Commissioner, by order dated 06.01.2000, had dropped the proceedings. However, an appeal challenging the said order came to be preferred before the Deputy Commissioner after an inordinate delay of 24 years. It is submitted that the Deputy Commissioner, despite noticing that no application seeking condonation of delay had been filed, erroneously proceeded to remand the matter to the Assistant Commissioner for fresh consideration. Counsel would therefore contend that the order of remand passed by the Deputy Commissioner is legally unsustainable and liable to be quashed. It is further submitted that there is an inordinate delay of nearly 29 years in filing the resumption proceedings, which renders the proceedings untenable in law.

AGA submits that the appropriate orders may be passed.

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

5. The issue involved in the present case falls within a narrow compass and concerns the belated appeal preferred by the family of the grantee. A perusal of the records would indicate that the Assistant Commissioner, by order dated 06.01.2000, had dropped the proceedings. However, an appeal challenging the said order came to be preferred before the Deputy Commissioner after an inordinate delay of 24 years. Though the Deputy Commissioner noticed that no application seeking condonation of delay had been filed, he nevertheless proceeded to entertain the appeal and remand the matter to the Assistant Commissioner for fresh consideration. Such an approach is wholly unsustainable in law, as an appeal filed after an inordinate delay of 24 years, without an application seeking condonation of delay, could not have been entertained.

Furthermore, the land in question was granted in the year 1948-49, and the first alienation took place in the year 1967. The proceedings for resumption of the land were initiated only during the year 1996-97, after an inordinate lapse of nearly 29 years from the date of alienation. The Assistant Commissioner, having regard to the circumstances and the considerable delay in initiating the proceedings, had rightly dropped the same. The Deputy Commissioner, however, failed to appreciate these material aspects and, on an erroneous approach, entertained the appeal after a lapse of 24 years and proceeded to remand the matter. In doing so, the Deputy Commissioner also failed to consider the issue of delay and laches arising from the initiation of resumption proceedings after nearly 29 years from the date of the first alienation, as well as the specific contention of the petitioner that such proceedings were initiated after an unreasonable and unexplained delay. Consequently, the

order of remand passed by the Deputy Commissioner cannot be sustained in law.

The authority should have evaluated whether to proceed after nearly 29 years, especially since the rights in the land were settled by the sale deed in 1967. 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 08.10.2025 passed by the Deputy Commissioner vide Annexure-E is quashed. As this Court has quashed the order, 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

CH
List No.: 1 Sl No.: 44