HC-KAR

NC: 2026:KHC:60214
WP No. 34908 of 2025

CNR: KAHC010752632025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.34908 OF 2025 (SC-ST)

BETWEEN:

SRI. D.R.VENKATESH
S/O LATE RAMACHANDRAPPA,
AGED ABOUT 69 YEARS,
R/AT: VARLAKONDA VILLAGE,
SOMENAHALLI HOBLI,
GUDIBANDE TALUK,
CHIKKABALLAPURA DISTRICT - 561 209.

...PETITIONER

(BY SRI. S.R.SREEPRASAD, ADVOCATE)

AND:

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

1. THE DEPUTY COMMISSIONER
   CHIKKABALLAPURA DISTRICT,
   CHIKKABALLAPURA - 562 101.

2. THE ASSISTANT COMMISSIONER
   CHIKKABALLAPURA SUB-DIVISION,
   CHIKKABALLAPURA - 562 101.

3. SRI. NARAYANASWAMY
   S/O NAGAPPA,
   AGED ABOUT 50 YEARS,

4. SRI. MAHADEVAPPA
   S/O NAGAPPA,
   AGED ABOUT 47 YEARS,

5. SRI. VENKATESH
S/O NAGAPPA,
AGED ABOUT 45 YEARS,

RESPONDENTS NO.3, 4 AND 5 ARE
RESIDENTS OF PURADAGADDE VILLAGE,
KASABA HOBLI, CHIKKABALLAPURA
TALUK AND DISTRICT - 562 101.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 AND R2;
SRI. SATWIK, ADVOCATE FOR
SMT. SIRI R., ADVOCATE FOR R3 TO R5)

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. S.R.Sreeprasad, counsel for the petitioner; Smt. Savithramma., Additional Government Advocate for respondent Nos.1 and 2, and Sri. Satwik, counsel on behalf of Smt. Siri R., for respondent Nos.3 to 5, 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. The order passed by the Deputy Commissioner 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.

AGA and counsel for respondent Nos.3 to 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 1944. Later, the subject land was sold in 1995 through a registered sale deed.

Nearly 25 years after the sale, in 2020, the resumption proceedings were initiated before the Assistant Commissioner. The Assistant Commissioner rejected the claim. On appeal, the Deputy Commissioner set aside the order of the Assistant Commissioner. The Deputy Commissioner overlooked the nearly 25-years delay in initiating these proceedings and 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 25 years, especially since the rights in the land were settled by the sale deed in 1995. The oversight in considering the delay and laches led to order 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 07.11.2025 passed by the Deputy Commissioner vide Annexure-A is quashed. As this Court has quashed the order, the authority concerned is hereby directed to 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.: 2 Sl No.: 43