HC-KAR

NC: 2026:KHC:61222
WP No. 36587 of 2025

CNR: KAHC010783382025

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. 36587 OF 2025 (SC/ST)

BETWEEN:

H.G.LOKESH
AGED ABOUT 43 YEARS,
S/O H M GOWDE GOWDA,
R/AT NO.475, 4TH STAGE,
T K LAYOUT, CHAMARAJA MOHALLA,
MYSORE-570001.

...PETITIONER

(BY SRI. D.R.RAVISHANKAR, SENIOR ADVOCATE FOR
SRI. NAVEEN G.S., ADVOCATE)

AND:

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

2. THE DEPUTY COMMISSIONER
MYSORE DISTRICT,
MYSORE-570005.

3. THE ASSISTANT COMMISSIONER
MYSORE SUB-DIVISION,
MYSORE-570005.

4. SRI SWAMY @ SWAMYNAYAKA
S/O KAALANAYAKA,
AGED ABOUT 65 YEARS,

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

R/AT KUMARABEEDU VILLAGE,
YELWALA HOBLI,
MYSORE TALUK-571130.

5. THE THASILDAR
MYSORE TALUK,
MYSORE-570005.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3 AND R5;
SRI. M.N.UMESH, ADVOCATE FOR
SRI. S.D.NARASIMHA PRASAD, ADVOCATE FOR R4)

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.D.R.Ravishankar., Senior counsel appearing on behalf of Sri.Naveen G.S., for the petitioner; Smt.Savithramma., Additional Government Advocate for respondent Nos.1 to 3 and 5, and Sri.M.N.Umesh., counsel appearing on behalf of Sri.S.D.Narasimha Prasad., for respondent No.4 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 respondent No.4, in presenting his arguments, justified the order of the Deputy Commissioner. He submits that the land in question was sold in a public auction and was granted to the family of the grantee in 1979. Urging additional grounds, he submits that there was no laches on the part of the grantee in seeking resumption.

AGA submits that an appropriate order may be passed.

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 1979. Later, the subject land was sold in 2003 through a registered sale deed. The petitioner purchased the said land in 2023.

Nearly 20 years after the sale, in 2023, the resumption proceedings were initiated before the Assistant Commissioner, seeking resumption of the land. The Assistant Commissioner rejected the petition. Dissatisfied, an appeal was preferred to the Deputy Commissioner. The Deputy Commissioner approved the petition and ordered the land to be resumed. The Assistant Commissioner is justified in rejecting the petition. However, the Deputy Commissioner overlooked the nearly 20-years delay 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 20 years, especially since the rights in the land were settled by the sale deed in 2003. 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 12.11.2025 passed by the Deputy Commissioner vide Annexure-M 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.

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.: 47