HC-KAR

NC: 2026:KHC:62180
WP No. 36846 of 2025

CNR: KAHC010790472025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 36846 OF 2025 (SC/ST)

BETWEEN:

1. SMT. THAYAMMA,
   W/O. LATE A.BOREGOWDA,
   AGED ABOUT 59 YEARS,

2. HEMALATHA,
   D/O. LATE A.BOREGOWDA,
   AGED ABOUT 36 YEARS,

3. ANNAPPASWAMY,
   S/O. LATE A.BOREGOWDA,
   AGED ABOUT 34 YEARS,

4. A.NARASIMHEGOWDA,
   S/O. LATE ANDNIGOWDA,
   AGED ABOUT 64 YEARS,

   ALL ARE RESIDING AT
   BILAGIHALLI VILLAGE,
   HIRISAVE HOBLI,
   CHANNARAYAPATNA TALUK,
   HASSAN DISTRICT - 573116.

...PETITIONERS

(BY SRI. D.T.NANJESH GOWDA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF REVENUE,

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

M.S.BUILDING,
BENGALURU - 560001,
REPRESENTED BY ITS SECRETARY

2. THE DEPUTY COMMISSIONER,
HASSAN DISTRICT,
HASSAN - 573206.

3. THE ASSISTANT COMMISSIONER,
HASSAN SUB-DIVISION,
HASSAN - 573201.

…RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA)

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.T.Nanjesh Gowda., counsel for the petitioners and Smt.Savithramma., Additional Government Advocate for respondents appeared in person.

2. The writ petition is filed seeking the following reliefs:

(a) Issue a writ in the nature of certiorari, quash the impugned order dtd:23.01.2024 passed

in PTCL.09/2021-22 by the 2nd respondent vide Annexure-J and the order dtd:22.07.2009 passed in LND/SC/ST/CRP 1/2002-03 by the 3rd respondent vide Annexure-G.

(b) Issue a writ in the nature of mandamus, direct the Respondents Authorities to restore the revenue entries in the name of the Petitioners in pursuant to the quashing of the Annexure-J & G.

(c) Issue any such other order or direction which the Hon'ble Court deems fit under the circumstances of the case, in the interest of justice and equity.

3. 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.

Counsel for the petitioners submits that Sri.Shivaiah S/o. Late Basavaiah who was respondent No.1 in PTCL 09/2021-22 before the 2nd respondent and who was the petitioner in LND/SC/ST/CRP 1/2002-03 before the 3rd respondent. The said Shivaiah was died during the pendency of PTCL 09/2021-22 before the 2nd respondent. The legal heirs of the said Late Shivaiah was not brought on record. On verification no legal heirs survived.

The oral submission made by counsel for the petitioners is placed on record.

4. Counsel for the respective parties advanced several contentions.

AGA submits that as there was a violation of provisions of PTCL Act, the resumption is justified. Urging additional grounds, she submits that the petition lack merits and the same may be dismissed.

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

6. This issue is limited to resumption proceedings. The land in question was granted to original grantee, in 1960. Later, the subject land was sold in 1974 through a registered sale deed.

In 2002, the resumption proceedings were initiated before the Assistant Commissioner after a lapse of nearly 28 years from the date of sale and 23 years from the coming into force of the PTCL Act. 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 delay of nearly 28 years from the date of the registered Sale Deed and 23 years from the commencement of the PTCL Act. They failed to consider the issue of laches or the petitioners' claim that the proceedings were commenced after an unreasonable delay.

The authorities were required to consider whether the exercise of power under the PTCL Act, after such an extraordinary lapse of time, was justified, particularly when the rights over the subject land had been crystallised pursuant to the registered Sale Deed of 1974. The failure to examine the question of delay and laches, which was a material and relevant consideration, has vitiated the impugned orders directing resumption of the land.

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.

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

8. The writ of certiorari is ordered. The order dated 22.07.2009 passed by the Assistant Commissioner vide Annexure-G, and the order dated 23.01.2024 passed by the Deputy Commissioner vide Annexure-J 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.

9. 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.: 38