



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 489 OF 2024 (SC-ST)

BETWEEN:

1. SRI. DEVARAJ
S/O LATE HUCHAPPA
AGED ABOUT 57 YEARS
RESIDING AT A K COLONY
THALAGHATTAPURA
VILLAGE AND POST
UTTARAHALLI HOBLI
BENGALURU - 560 061

...APPELLANT

(BY SRI SRIHARI A. V, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY ITS SECRETARY
REVENUE DEPARTMENT
M S BUILDING
BENGALURU - 560 001
2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
BENGALURU - 560 009
3. THE ASSISTANT COMMISSIONER
BENAGALURU SOUTH SUB-DIVISION





KANDAYA BHAVANA, 2ND FLOOR
BENGALURU - 560 009

4. SMT JAYANTHI SHIVARAM
W/O SHIVARAM
AGED ABOUT 52 YEARS
R/AT No.109, 4TH CROSS
K R LAYOUT, PADMANABHANAGAR
BENGALURU - 560 070

PREENTLY RESIDING AT NO.74
RAGHAVENDRA LAYOUT
GUBALALA, THALAGHATTAPURA
BENGALURU SOUTH TALUK
BENGALURU - 560 062

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R1 TO R3)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDERS PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.45869/2017 (SC-ST) DATED 09.12.2019 AND ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the above captioned appeal impugning an order dated 09.12.2019, passed by the learned Single Judge of this Court in W.P.No.45869/2017 (SC/ST), whereby the writ petition preferred by respondent No.4 challenging the orders passed by the Assistant Commissioner (respondent No.2) and the Deputy Commissioner (respondent No.3), directing the resumption of subject land was allowed.

2. The appellant states that 2.00 acres of land falling in Survey No.12/7 (New Survey No.33) of Manavarthekaval Village, Uttarahalli Hobli, Bengaluru South Taluk, Bengaluru [subject land] was granted to the his grandmother [original grantee] on 21.06.1957 (Order No.DDS5/1956-57). The appellant and his father (Sri. Huchappa) had sold the lands to respondent No.4 (Jayanthi Shivaram) under a registered sale deed dated 30.05.1995. The grant of the subject land was subject to the condition that it would not be alienated for a period of 15 years.



Therefore the appellant and his father had sold the land after the period of restriction had elapsed.

3. The appellant had instituted a case (**PTCL(G)-11/2014-15**) before the Assistant Commissioner under Sections 4 and 5 of The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 [PTCL Act] seeking resumption of the subject land on the ground that it was sold in violation of Section 4 of the PTCL Act.

4. It is the appellant's contention that even though the period of restriction (15 years) had elapsed, the alienation was void as it was without permission of the State Government. The Assistant Commissioner allowed the said application by order dated 21.07.2015 and passed an order for resumption of the subject land.

5. Respondent No.4 appealed the said decision to the Deputy Commissioner [**Appeal No.80/2015-16**] which was rejected on 07.02.2017.

6. The writ petition preferred by respondent No.4 impugning the orders dated 21.07.2015 and 07.02.2017 was allowed on the ground that the proceedings for resumption of the land had been instituted after an inordinate delay of 19 years.



7. The present appeal was filed in March, 2024, which was more than 4 years after the impugned order. However, the appellant contends that the delay is only 818 days and the period of delay till March, 2022 is required to be excluded. The only ground furnished for the delay in filing the present appeal is that the appellant had preferred a review petition [R.P.No.86/2021] which was dismissed on 27.06.2023. However, there is no explanation for the delay after the review petition has been disposed of.

8. Thus even if we overlook the delay till the disposal of the review petition, the present appeal is inordinately delayed. And, there is no credible explanation for such delay.

9. The application seeking condonation of delay is, accordingly, dismissed. Consequently, the appeal is also dismissed.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**