



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. 466 OF 2024 (SC-ST)

BETWEEN:

1. SMT. VAJRAMMA
D/O LATE DEPO MUNIYAPPA
AGED ABOUT 65 YEARS
RESIDING AT A K COLONY
THALAGHATTAPURA VILLAGE AND
POST, UTTARAHALLI HOBLI
BENGLAURU - 560 061

...APPELLANT

(BY SRI. PRADEEP M., 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
BENGLAURU - 560 009
3. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB-DIVISION





KANDAYA BHAVANA, 2nd FLOOR
BENGALURU - 560 009

4. SMT. JAYATNHI SHIVARAM
W/O SHIVARAM
AGED ABOUT 52 YEARS
R/AT NO.109, 4th CROSS
R K LAYOUT, PADMANABHANAGAR
BENGALURU - 560 070

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

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1 TO R3;
SRI. YATHIN B, ADVOCATE FOR R4)

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 WP NO.45868/2017 DATED
09/12/2019 AND ETC.

THIS APPEAL, COMING ON FOR ORDERS, 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. For the reasons stated in the applications—I.A.Nos.1/2025 and 2/2025, to condone the delay of 15 days in filing the recall application and for recalling the order dated 02.06.2025, the same are allowed. The delay of 15 days in filing the recall application is condoned, and the order dated 02.06.2025 is recalled.
2. 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.45868/2017 (SC/ST), whereby the writ petition preferred by respondent No.4 challenging the orders passed by the Assistant Commissioner (respondent No.3) and the Deputy Commissioner (respondent No.2), directing the resumption of subject land was allowed.
3. The appellant states that 1 acre 36 guntas of land falling in Survey No.12/7 (New Survey No.34) of Manavartheekaval Village, Uttarahalli Hobli, Bengaluru South Taluk, Bengaluru [**subject land**]



was granted to her father, Sri. Depot Muniyappa [**original grantee**] on 21.06.1957 (Order No.DDS5/1956-57). The original grantee along with his wife and daughter sold the land 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 original grantee, his wife and daughter had sold the land after the period of restriction had elapsed.

4. The appellant (daughter of the original grantee) instituted a case (K.SC-ST(S)14/2014-15) before the Assistant Commissioner under Section 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 alienated in violation of Section 4 of the PTCL Act.

5. 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 by an order dated 21.07.2015 and passed an order for resumption of the subject land.



6. Respondent No.4 filed an appeal against the said decision to the Deputy Commissioner [K(SC-ST(A) No.81/2015-16] which was rejected by order dated 07.02.2017.

7. The writ petition preferred by respondent No.4 against 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.

8. 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 819 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.84/2021] which was dismissed on 27.06.2023. There is no explanation for the delay for the period, after the review petition had been disposed of.

9. Thus, even if we overlook the delay till the disposal of the review petition, the present appeal is delayed. There is no credible explanation for such delay.



**NC: 2026:KHC:11922-DB
WA No. 466 of 2024**

10. The application—I.A.No.1/2024, seeking to condone delay of 819 days in filing the present appeal is, accordingly, dismissed. Consequently, the appeal is also dismissed.

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

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

KMV
List No.: 2 Sl No.: 9.1