



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT APPEAL NO. 711 OF 2023 (SC-ST)

BETWEEN:

SMT. POOJAMMA,
SINCE DECEASED BY HER LRS,
SRI. RAVI,
S/O LATE VENKATAPPA,
AGED ABOUT 32 YEARS,
AK COLONY, MUDUGALLAMMA
TEMPLE ROAD, DEVANAHALLI TOWN,
DEVANAHALLI TALUK,
BANGALORE RURAL DISTRICT - 562 110.

...APPELLANT

(BY SRI AKARSH KUMAR GOWDA, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
BANGALORE RURAL DISTRICT,
BANGALORE - 560 001.
2. THE ASSISTANT COMMISSIONER,
DODDABALLAPURA SUB DIVISION,
DODDABALLAPUR - 561 203.
3. THE TAHSILDAR,
DEVANAHALLI TALUK,
DEVANAHALLI - 562 110.





4. SRI G. SHANKAR,
S/O G. VENKATARAMANA,
AGED ABOUT 55 YEARS,
NO.39, VENKATADRI, M
22ND MAIN, AYAODYA NAGAR,
5TH PHASE, J.P.NAGAR,
BANGALORE - 56 0 011.

...RESPONDENTS

(BY SMT. PRAMODHINI KISHAN, AGA FOR R-1 TO R-3)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO BE PLEASED TO CALL FOR RECORDS AND PLEASED TO a) SET ASIDE THE IMPUGNED ORDER PASSED IN WP No-15068/2015 (SC/ST) DATED 18.01.2019 IN THE INTEREST OF JUSTICE AND EQUITY ETC.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED ON 16.02.2026, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY **VIJAYKUMAR A. PATIL J.**, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN

and

HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This appeal is filed by the appellant under Section 4 of the Karnataka High Court Act, 1961, challenging the order dated 18.01.2019 passed by the learned Single Judge in W.P.No.59068/2015 (SC-ST).



2. Sri.Akarsh Kumar Gowda, learned counsel appearing for the appellant submits that the learned Single Judge has committed an error in allowing the writ petition without appreciating the material available on record in its proper perspective. It is submitted that the learned Single Judge has failed to take note of the fact that the sale deed executed is in violation of the grant conditions and solely on the ground of delay, has proceeded to allow the writ petition. It is further submitted that the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short '**the Act**') is a welfare legislation with a specific object to protect the interests of the grantee and there is no limitation provided under the Act to file an application for restoration and resumption. It is also submitted that on the date of passing of the order by the learned Single Judge the contesting respondent No.4 i.e Smt.Poojamma was not alive as she died on 12.07.2016. Hence, he seeks to allow the appeal.



3. Smt.Pramodhini Kishan, learned Additional Government Advocate appearing for respondent Nos.1 to 3 supports the order of the authorities challenged before the learned Single Judge and submits that the legal heirs of the grantee's rights are required to be protected. Hence, she seeks to pass appropriate orders.

4. We have heard the arguments of the learned counsel for the appellant, the learned AGA for respondent Nos.1 to 3 and meticulously perused the material available on record. We have given our anxious consideration to the submissions advanced on both sides.

5. The material on record indicates that appellant is the grandson and the legal representative of one Late Sri.Venkatappa, who was granted land in Sy.No.399 measuring 4 acres 21 guntas situated at Devanahalli Village, Kasaba Hobli, Devanahalli Taluk, Bengaluru Rural District on 11.04.1942. It is averred that the said land was sold by the original grantee vide registered sale deed



dated 24.04.1953, which was in violation of the grant conditions. The appellant filed an application before respondent No.2-Assistant Commissioner under Section 5 of the Prohibition on Transfer of Certain Lands Act, 1978 (hereinafter referred to as the 'PTCL Act'). The respondent No.2 after considering the application held that the land was granted to the original grantee, who belongs to the scheduled caste, sale by the original grantee was in violation of the grant conditions and the provisions of the PTCL Act and thereby ordered for resumption and restoration of the land to the legal heir of the grantee. The said order of the respondent No.2 was challenged before respondent No.3-Deputy Commissioner, who dismissed the appeal vide order dated 20.04.2015. The respondent No.4 challenged the orders of the authority in the writ petition. The learned Single Judge considering the material on record and the law on the point, passed the impugned order allowing the writ petition on the ground that the application for resumption and restoration was filed after



an inordinate delay of over 50 years from the execution of the first sale deed, which cannot be considered to be a reasonable delay.

6. It would be useful to refer to the decisions of the Hon'ble Supreme Court in the cases of **NEKKANTI RAMA LAKSHMI VS. STATE OF KARNATAKA AND ANOTHER¹**, **VIVEK M.HINDUJA VS. M.ASWATHA²**, **CHHEDI LAL YADAV VS. HARI KISHORE YADAV³** and **NINGAPPA VS. DEPUTY COMMISSIONER AND OTHERS⁴** wherein it was held that the application for resumption or restoration cannot be entertained beyond a reasonable period. The Co-ordinate Bench in the case of **SRI.KESHAVAMURTHY AND ANOTHER V. SPECIAL DEPUTY COMMISSIONER AND OTHERS⁵** and in the case of **SMT.M.MANJULA AND OTHERS VS. THE DEPUTY COMMISSIONER, BENGLAURU AND**

¹ (2020) 14 SCC 232

² (2019) 1 Kant.L.J. 819 SC

³ (2018) 12 SCC 527

⁴ (2020) 14 SCC 236

⁵ 2025 SCC OnLine Kar 6517



HC-KAR

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OTHERS⁶, considering the decisions of the Hon'ble Supreme Court referred *supra* as well as the decision in the case of **SMT.GOURAMMA @ GANGAMMA V. DEPUTY COMMISSIONER, HAVERI AND OTHERS**⁷ held that the application seeking restoration should be within a reasonable period of time. In the case of **Gouramma** referred *supra*, the Co-ordinate Bench at para 3(f), (g), (h) and (i) held as under:

"3.(f) It may be true, that the legislative debates might have taken place about the observations of the Apex Court in Nekkanti and other such cases while passing the Amendment Bill. That per se does not lend credence to the contention that the said amendment intends to invalidate the law declared by the highest court of the country which it did after considering all aspects of the matter including the sense of equity & justice. If the Legislature intended to silence the voice of Nekkanti, it would have employed a different terminology. We repeat that, ordinarily, delay is decided by computing the period of limitation prescribed by law, whereas "laches" is decided keeping in view a host of factors. Cases are repleat in Law Reports relating to delay and laches in writ jurisdiction under Articles 12, 226 & 227 of the Constitution of India. This is only to illustrate.

(g) There is a marked difference between 'delay & laches' that operate in equity and 'limitation & delay' that obtain in law. The following observations of the Apex Court in Union of India Vs. N.Murugesan⁸ make

⁶ ILR 2024 KAR 4953

⁷ W.A.No.100101/2024 dated 29.07.2024

⁸ (2022) 2 SCC 25 at Para 20,21 & 22



out this point:

"Delay, laches and acquiescence

20. The principles governing delay, laches, and acquiescence are overlapping and interconnected on many occasions. However, they have their distinct characters and distinct elements. One can say that delay is the genus to which laches and acquiescence are species. Similarly, laches might be called a genus to a species by name acquiescence. However, there may be a case where acquiescence is involved, but not laches. These principles are common law principles, and perhaps one could identify that these principles find place in various statutes which restrict the period of limitation and create nonconsideration of condonation in certain circumstances.... The underlying principle governing these concepts would be one of estoppel. The question of prejudice is also an important issue to be taken note of by the court.

Laches.

21. The word "laches" is derived from the French language meaning "remissness and slackness". It thus involves unreasonable delay or negligence in pursuing a claim involving an equitable relief while causing prejudice to the other party. It is neglect on the part of a party to do an act which law requires while asserting a right, and therefore, must stand in the way of the party getting relief or remedy.

22. Two essential factors to be seen are the length of the delay and the nature of acts done during the interval. As stated, it would also involve acquiescence on the part of the party approaching the court apart from the change in position in the interregnum. Therefore, it would be unjustifiable for a Court of Equity to confer a remedy on a party who knocks its doors when his



acts would indicate a waiver of such a right. By his conduct, he has put the other party in a particular position, and therefore, it would be unreasonable to facilitate a challenge before the court. Thus, a man responsible for his conduct on equity is not expected to be allowed to avail a remedy."

(h) We are told at the Bar that the subject Amendment has been put in challenge in W.P.No.27496/2023 and that, matter is pending consideration. We make it clear that construction of a statute is one thing and its validity is another. We do not want to say even a word about the validity, that is being examined by the learned Single Judge before whom the matter is pending. We have only placed our interpretation on the amended provisions of the Act and nothing beyond.

(i) Before parting with this case, we are constrained to observe that, legislative process is not simple and easy. It has to be undertaken with a lot of care, caution & expertise. Law speaks through language. If language is not properly employed what is said is not what is meant; if what is said is not what is meant, what needs to be done remains undone or misdome. A linguistic defect thus may defeat the intent of legislation. More is not necessary to specify."

7. In view of the preceding analysis, the unexplained delay of more than 50 years from the execution of the first sale deed and a delay of more than 30 years from the PTCL Act coming into force, in filing an application under Section 5 of the Act for resumption and restoration of the land cannot be termed to be within a



reasonable time. The learned Single Judge has rightly considered that there is an inordinate delay and allowed the writ petition, which does not call for any interference.

8. Insofar as the contention that Smt.Poojamma, mother of the appellant was respondent No.4 in the writ proceedings and she has died on 12.07.2016 and the order of the learned Single Judge is against a dead person is concerned. It would be useful to refer to the decision of the Hon'ble Supreme Court in the case of **S.L.Kapoor v Jagmohan**⁹ wherein it was held as under:

"17. Linked with this question is the question whether the failure to observe natural justice does at all matter if the observance of natural justice would have made no difference, the admitted or indisputable facts speaking for themselves. Where on the admitted or indisputable facts only one conclusion is possible and under the law only one penalty is permissible, the court may not issue its writ to compel the observance of natural justice, not because it approves the non-observance of natural justice but because courts do not issue futile writs. But it will be a pernicious principle to apply in other situations where conclusions are controversial, however, slightly, and penalties are discretionary."

⁹ (1980) 4 SCC 379



9. The aforesaid contention of the appellant may be factually true, however, it is to be noticed that respondent No.4 i.e mother of the appellant was served with the notice in the writ petition but she remained absent. Furthermore, this Court allowed the appellant, who is a legal heir of respondent No.4 in the writ petition to urge all the contentions on merit and the same were considered on merits. Hence, the contention with regard to the death of the mother of the appellant would not change the merit of the case. Therefore, the appeal is devoid of merits and accordingly, the same is ***rejected***.

No order as to costs.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

ABK
List No.: 3 Sl No.: 4