



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.880/2023 (SC/ST)

C/W

WRIT APPEAL NO.936/2023 (SC/ST)

IN W.A. No.880/2023:

BETWEEN:

1. SMT. DEVAMMA
W/O LATE MARIDEVA NAYAKA
AGED ABOUT 64 YEARS.
2. SRI. SIDDARAJU
W/O LATE MARIDEVA NAYAKA
AGED ABOUT 46 YEARS.
3. SMT. SAKAMMA
D/O LATE MARIDEVA NAYAKA
AGED ABOUT 49 YEARS.

ALL ARE RESIDING AT
KUMARABEEDU VILLAGE
ILUWALA HOBLI,
MYSURU TALUK
MYSURU 570026.

...APPELLANTS

(BY SRI. VIJAY A.M. ADV.,)





AND:

1. THE DEPUTY COMMISSIONER
MYSURU DISTRICT
MYSURU 570001.
2. THE ASSISTANT COMMISSIONER
MYSURU SUB DIVISION
MYSURU 570001.
3. SMT. MANJULA
W/O N. SWAMY
AGED ABOUT 47 YEARS.
4. SRI. N. SWAMY
S/O B.P. SIDDALINGEGOWDA
AGED ABOUT 57 YEARS.

RESPONDENT NOS.3 & 4
ARE R/AT NO.1026
4TH BLOCK, BANK COLONY
BOGADI, MYSURU 570026.

5. SRI. SHIVANNA
S/O LATE BODARA NAYAKA
AGED ABOUT 68 YEARS
R/OF KUMARABEEDU VILLAGE
ILWALA HOBLI,
MYSURU TALUK
MYSURU 570026.

...RESPONDENTS

(BY SRI. KIRAN KUMAR, HCGP FOR R1 & R2
SRI. Y.K. NARAYANA SHARMA, ADV., FOR R3 & R4
R5 SERVED)

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THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO CALL FOR RECORDS IN
WRIT PETITION No.14987/2022 (SC-ST) ON THE FILE OF THE



NC: 2026:KHC:11162-DB
W.A. No.880/2023
C/W W.A. No.936/2023

LEARNED SINGLE JUDGE OF THIS HON'BLE COURT. SET ASIDE THE IMPUGNED ORDER DATED 28/06/2022 PASSED IN WRIT PETITION No. 14987/2022 (SC-ST), THEREBY DISMISSING THE SAID WRIT PETITION & ETC.

IN W.A. NO.936/2023:

BETWEEN:

SRI. CHENNAIAH ALIAS CHENNANAIAKA
AGED ABOUT 72 YEARS
S/O LATE HETTA NAIKA
R/AT. KUMARABEEDU VILLAGE
NO.1, ILAWALA HOBLI
MYSURU TALUK 570 026.

...APPELLANT

(BY SRI. VIJAY A.M. ADV.,)

AND:

1. THE DEPUTY COMMISSIONER
MYSURU DISTRICT
MYSURU 570001.
2. THE ASSISTANT COMMISSIONER
MYSURU SUB-DIVISION
MYSURU 570001.
3. SMT. MANJULA
W/O N. SWAMY
AGED ABOUT 47 YEARS.
4. SRI. N. SWAMY
S/O B.P. SIDDALINGEGOWDA
AGED ABOUT 57 YEARS.



RESPONDENT NOS.3 & 4 ARE
RESIDING AT NO.1026
4TH BLOCK, BANK COLONY
BOGADI, MYSURU 570026.

...RESPONDENTS

(BY SRI. KIRAN KUMAR, HCGP FOR R1 & R2
SRI. Y.K. NARAYANA SHARMA, ADV., FOR R3 & R4)

- - -

THIS WRIT APPEAL IS FILED U/S 4 OF THE
KARNATAKA HIGH COURT ACT, PRAYING TO CALL FOR
RECORDS IN WRIT PETITION No.14989/2022 (SC-ST) ON
THE FILE OF THE LEARNED SINGLE JUDGE OF THIS
HON'BLE COURT. SET ASIDE THE IMPUGNED ORDER
DATED 12.07.2023 PASSED IN WRIT PETITION No.
14989/2022 (SC-ST), THEREBY DISMISSING THE SAID
WRIT PETITION & ETC.

THESE WRIT APPEALS HAVING BEEN HEARD AND
RESERVED ON 18.02.2026, 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)

Writ Appeal No.880/2023 is filed challenging the order of the learned Single Judge dated 28.06.2023 passed in W.P.No.14987/2022 (SC-ST).

Writ Appeal No.936/2023 is filed challenging the order of the learned Single Judge dated 12.07.2023 passed in W.P.No.14989/2022 (SC-ST).

2. Sri.Vijay A.M, learned counsel appearing for the appellants in both the appeals submits that the learned Single Judge has committed an error in allowing the writ petitions without appreciating the material available on record in its proper perspective. It is submitted that the learned Single Judge has committed an error in holding that the lands in question are not granted lands as defined under Section 3(e) of the Karnataka Scheduled Caste and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (hereinafter referred to as the '**Act**') as the same were purchased through a public auction. The said



finding is erroneous as the lands were transferred at the auction at an upset price of only Rs.20/- and not at the then prevailing market value. It is further submitted that the learned Single Judge has also committed an error in relying on the cases of **NEKKANTI RAMA LAKSHMI Vs. STATE OF KARNATAKA AND ANOTHER¹** and **VIVEK M.HINDUJA Vs. M.ASWATHA²**, wherein the delay in filing the application was over 20-25 years, whereas in the instant case, the delay is only of 8 years, which is required to be condoned. In support his contentions he placed reliance on the decisions of the Hon'ble Supreme Court in **SATYAN Vs. DEPUTY COMMISSIONER AND OTHERS³** and **SIDDEGOWDA Vs. ASSISTANT COMMISSIONER AND OTHERS⁴**. Hence, he seeks to allow the appeals.

3. *Per contra*, Sri.Y.K.Narayana Sharma, learned counsel appearing for the respondents No.3 and 4 in both the appeals, submits that the learned Single Judge has

¹ (2020) 14 SCC 232

² (2019) 1 Kant LJ 819 SC

³ AIR 2019 SC 2797

⁴ AIR 2003 SC 1290



passed the impugned orders after considering the facts and the law in its proper perspective. It is submitted that the learned Single Judge has rightly considered that the lands in question are not granted lands as per the provisions of the Act as the same were purchased in a public auction, which is evident from Annexure-B. It is further submitted that the learned Single Judge has rightly relied on the decisions of the Hon'ble Supreme Court and this Court in the cases of **NEKKANTI RAMA LAKSHMI** referred *supra* and **VIVEK.M.HINDUJA** referred *supra*, respectively and held that the application is filed after an unreasonable delay. Therefore, the impugned orders passed by the learned Single Judge do not call for any interference. In support of his contentions, he placed reliance on the decisions of this Court in **SMT. GOURAMMA @ GANGAMMA Vs. THE DEPUTY COMMISSIONER AND OTHERS⁵** and **ERAPPA Vs. ASSISTANT COMMISSIONER AND OTHERS⁶**.

⁵ W.A.No.100101/2004 dtd 29.07.2024

⁶ W.A.No.100265/2023 dtd 23.06.2023



Hence, he seeks to dismiss the appeals.

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

5. The material on record indicates that the appellants in W.A.880/2023 are the legal heirs of the original grantee-Sri.Marideva Nayaka, who was granted land measuring 2 acres in Sy.No.95/Block 8 of the Kumarabeedu Village, Iluwala Hobli, Mysuru Taluk, vide grant certificate dated 19.12.1979 and the appellant in W.A.No.936/2023 was granted 2 acres of land in Sy.No.95/Block 7 of the Kumarabeedu Village, Iluwala Hobli, Mysuru Taluk, vide grant certificate dated 01.12.1979.



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6. In W.A.No.880/2023, the original grantee-one Marideva Nayaka executed a General Power of Attorney in favour of respondent No.4, who executed a sale deed dated 02.09.2006 in favour of respondent No.3 with respect to the land granted to the original grantee. The appellants filed an application under Section 5 of the Act before the respondent No.2 bearing PTCL No.1/2015-16 seeking a declaration that the sale deed is null and void and also sought for restoration of the land back to the appellants. The respondent No.2, after considering the application, allowed the same vide order dated 28.12.2018 and declared that the alienation was bad in law. The respondent Nos.3 and 4 challenged the order of the respondent No.2 in PTCL A No.5/2019 under Section 5A of the Act before the respondent No.1, who dismissed the same vide order dated 16.03.2022. The respondent Nos.3 and 4 assailed the said order before the learned Single Judge in W.P.No.14987/2022. The learned Single Judge,



placing reliance on the facts of the case and the law on the point proceeded to pass the impugned order.

7. In W.A.No.936/2023, the appellant-original grantee executed a GPA in favour of respondent No.4, who executed a sale deed dated 02.09.2006 in favour of respondent No.3 with regard to the granted land. The appellant-original grantee filed an application in PTCL No.3/2014-15 before the respondent No.2 seeking for restoration and resumption of the land on the ground that the land was sold in violation of the Act. The respondent No.2 allowed the application and ordered for restoration and resumption vide order dated 28.12.2018. The respondent Nos.3 and 4 filed an appeal under Section 5A of the Act before the respondent No.1 in PTCL A No.6/2019, which was dismissed vide order dated 16.03.2022. The respondent Nos.3 and 4 assailed the said order before the learned Single Judge in W.P.No.14989/2022. The learned Single Judge, placing



reliance on the facts of the case and the law on the point proceeded to pass the impugned order.

8. The learned Single Judge allowed the writ petitions filed by the respondent Nos.3 and 4 respectively in both the appeals mainly on the ground that the initiation of the proceedings for restoration of the lands is beyond the reasonable period. The learned Single Judge has further recorded the finding that the lands in question are not granted lands but are purchased in a public auction, which is disputed by the learned counsel for the appellants. Insofar as the contention that the lands are granted as per the Act or acquired in a public auction, the same need not be gone into in the present proceedings in view of the serious dispute between the grantees and the purchasers. The grantees initiated the proceedings before the authorities mainly on the premise that the lands in question are granted lands, however, the learned Single Judge, based on a sentence in the certificate at Annexure-B came to a conclusion that the acquisition of properties is



by way of a public auction. In our considered view, the said question need not be adjudicated either in the writ proceedings or in the appeals. We are of the considered view that the dispute between the parties is required to be proceeded by considering that the lands in question were granted under the provisions of the Act as the parties to the proceedings are contesting the proceedings from the year 2015. Hence, we hold that for all the purposes, the subject properties are considered as granted lands. However, it is to be noticed that the learned Single Judge also interfered with the order of the Authorities on the ground that the initiation of the proceedings is beyond the reasonable time.

9. It would be useful to refer to the decisions of the Hon'ble Supreme Court in the cases of **NEKKANTI RAMA LAKSHMI** referred *supra*, **VIVEK M.HINDUJA** referred *supra*, **CHHEDI LAL YADAV Vs. HARI KISHORE YADAV**⁷ and **NINGAPPA Vs. DEPUTY COMMISSIONER**

⁷ (2018) 12 SCC 527



AND OTHERS⁸, 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 Vs. SPECIAL DEPUTY COMMISSIONER AND OTHERS⁹** and in the case of **SMT.M.MANJULA AND OTHERS Vs. THE DEPUTY COMMISSIONER, BENGLAURU AND OTHERS¹⁰**, considering the decisions of the Hon'ble Supreme Court referred *supra* as well as the decision in the case of **SMT.GOURAMMA @ GANGAMMA Vs. DEPUTY COMMISSIONER, HAVERI AND OTHERS¹¹** held that the application seeking restoration should be made within a reasonable period of time. In the case of **GOURAMMA** referred *supra*, the Co-ordinate Bench at paragraphs 3(f), 3(g), 3(h) and 3(i) has 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*

⁸ (2020) 14 SCC 236

⁹ 2025 SCC OnLine Kar 6517

¹⁰ ILR 2024 KAR 4953

¹¹ W.A.No.100101/2024 dated 29.07.2024



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.

3(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.Murugesan¹² make 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

¹² (2022) 2 SCC 25



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."

3(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.

3(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 misdone. A linguistic defect thus may defeat the intent of legislation. More is not necessary to specify."*

10. The learned counsel for the appellants placed reliance on the decision of the Hon'ble Supreme Court in the case **SATYAN** referred *supra*, wherein a delay of 8 years in filing the application under the Act, was held to be condonable. However, the said aspect ought to be considered in view of the particulars in each case. In the



instant case, there is no explanation whatsoever given by the appellants to justify the delay of more than 8 years. Hence, in absence of any justifiable reason for the said delay, the initiation of the proceedings after a period of more than 8 years cannot be called as a reasonable period. The Co-ordinate Bench in the case of **ERAPPA** referred *supra* has held that the delay of 7 years in filing an application for resumption is an unreasonable period. Keeping in mind the consistent view of this Court in similar matters where the delay in initiation of the proceedings under the provisions of the Act was beyond a reasonable period, the Courts have declined to consider the request for restoration of the lands.

11. In view of the preceding analysis, the unexplained delay of more than 8 years from the date of sale deed in filing an application under Section 5 of the Act for resumption and restoration of the lands cannot be termed as a reasonable time. The learned Single Judge has rightly considered that there is an inordinate delay and



interfered with the orders of the Authorities, by allowing the writ petitions. We do not find any error in the finding recorded by the learned Single Judge calling for interference in these appeals.

12. Accordingly, the appeals are devoid of merit and are accordingly ***rejected***. Consequently, the pending interlocutory applications stand disposed of.

No order as to costs.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 3 Sl No.: 5