



IN THE HIGH COURT OF KARNATAKA AT DHARWAD
DATED THIS THE 25TH DAY OF FEBRUARY, 2026
BEFORE

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

WRIT PETITION NO. 110072 OF 2025 (SCST)
C/W

WRIT PETITION NO. 110075 OF 2025
WRIT PETITION NO. 110080 OF 2025
WRIT PETITION NO. 110081 OF 2025
WRIT PETITION NO. 110083 OF 2025
WRIT PETITION NO. 110085 OF 2025
WRIT PETITION NO. 110086 OF 2025

IN WP No. 110072/2025:
BETWEEN:

G.RANGARAO S/O. ACHHANNA
AGE. 63 YEARS, OCC. AGRICULTURIST,
R/O. JANGAMARAKALGUDI, GANGAVATHI,
KOPPAL. DISTRICT-583 201.

...PETITIONER

(BY SRI. M.B.HIREMATH, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KOPPAL, KOPPAL DISTRICT-583 201.
2. THE ASSISTANT COMMISSIONER
KOPPAL-583 201.
3. THE TAHSILDAR AND
EXECUTIVE MAGISTRATE,
KARATAGI TALUK KOPPAL DISTRICT.
4. THE TAHSILDAR
AND EXECUTIVE MAGISTRATE,
KARATAGI TALUK KOPPAL DISTRICT.
5. SURESH S/O. SAVAREPPA
AGE. MAJOR, OCC. NIL,
R/O. GONDAVALA CAMP,





SIDDAPUR TALUK, KARAGAGI,
DISTRICT. KOPPAL-583 201.

6. GOPAL S/O. PEERANAIAK
SIDDAPUR TALUK KARAGATI,
DISTRICT KOPPAL-583 201.

...RESPONDENTS

(BY SRI. ASHOK T.KATTIMANI, AGA FOR R1 TO R3;
SRI. B.C.JNANAYYASWAMI, ADVOCATE FOR R5;
NOTICE TO R4 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI, QUASHING THE IMPUGNED ORDER DATED 04.12.2025 PASSED BY THE 1ST RESPONDENT IN NO.REV/PTCL/70/2025 AT ANNEXURE-G AND IMPUGNED ORDER DATED 19.08.2025 PASSED BY THE 2ND RESPONDENT IN NO.PTCL/3/2025/E-300907.3419 AT ANNEXURE-E; AND ETC.

IN WP NO. 110075/2025:
BETWEEN:

G.RANGARAO S/O. ACHHANNA
AGE. 65 YEARS, OCC. AGRICULTURIST,
R/O. JANGAMARAKALGUDI,
GANGAVATHI, KOPPAL DISTRICT-583201.

...PETITIONER

(BY SRI. M.B.HIREMATH, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KOPPAL, KOPPAL DISTRICT-583 201.
2. THE ASSISTANT COMMISSIONER
KOPPAL-583 201.
3. THE TAHSILDAR AND
EXECUTIVE MAGISTRATE,
KARATAGI TALUK, KOPPAL DISTRICT.
4. SURESH S/O. SAVAREPPA
AGE. MAJOR, OCC. NIL,
R/O. GONDAVALA CAMP,
SIDDAPUR TALUK, KARAGAGI,



DISTRICT. KOPPAL-583 201.

5. LAKSHMANA S/O. DEVALU @ DEVAJI
SIDDAPUR TALUK KARATAGI,
DISTRICT. KOPPAL-583201.

...RESPONDENTS

(BY SRI. ASHOK T.KATTIMANI, AGA FOR R1 TO R3;
SRI. B.C.JNANAYYASWAMI, ADVOCATE FOR R5;
NOTICE TO R4 IS SERVED)

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IN WP NO. 110080/2025:
BETWEEN:

G. RANGARAO S/O. ACHHANNA
AGE. 63 YEARS, OCC. AGRICULTURIST,
R/O. JANGAMARAKALGUDI, GANGAVATHI,
KOPPAL DISTRICT.

...PETITIONER

(BY SRI. M.B.HIREMATH, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KOPPAL, KOPPAL DISTRICT-583201.
2. THE ASSISTANT COMMISSIONER
KOPPAL-583201.
3. THE TAHSILDAR AND
EXECUTIVE MAGISTRATE,
KARATAGI TALUK,
KOPPAL DISTRICT-583201.
4. SURESH S/O. SAVAREPPA
AGE. MAJOR, OCC. NIL,



**NC: 2026:KHC-D:3031
WP No. 110072 of 2025
AND CONNECTED MATTERS**

R/O. GONDAVALA CAMP, SIDDAPUR,
TALUK. KARATAGI,
DISTRICT. KOPPALL-583201.

5. GEMU S/O. KRISHNA
SIDDAPUR TALUK KARATAGI,
DISTRICT. KOPPALL-583201.

...RESPONDENTS

(BY SRI. ASHOK T.KATTIMANI, AGA FOR R1 TO R3;
SRI. B.C.JNANAYYASWAMI, ADVOCATE FOR R5;
NOTICE TO R4 IS SERVED)

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IN WP NO. 110081/2025:

BETWEEN:

G.RANGARAO S/O. ACHHANNA
AGE. 63 YEARS, OCC. AGRICULTURIST,
R/O. JANGAMARAKALGUDI, GANGAVATHI,
KOPPALL DISTRICT-583201.

...PETITIONER

(BY SRI. M.B.HIREMATH, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KOPPALL, KOPPALL DISTRICT-583201.
2. THE ASSISTANT COMMISSIONER
KOPPALL-583201.
3. THE TAHSILDAR AND
EXECUTIVE MAGISTRATE,
KARATAGI TALUK,
KOPPALL DISTRICT-583201.



**NC: 2026:KHC-D:3031
WP No. 110072 of 2025
AND CONNECTED MATTERS**

4. SURESH S/O. SAVAREPPA
AGE. MAJOR, OCC. NIL,
R/O. GONDAVALA CAMP, SIDDAPUR,
TALUK. KARATAGI,
DISTRICT. KOPPAL-583201.
5. KASHAPPA S/O. DEVUJU
SIDDAPUR TALUK. KARATAGI,
DISTRICT. KOPPAL-583201.

...RESPONDENTS

(BY SRI. ASHOK T.KATTIMANI, AGA FOR R1 TO R3;
SRI. B.C.JNANAYYASWAMI, ADVOCATE FOR R5;
NOTICE TO R4 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI, QUASHING THE IMPUGNED ORDER DATED 04.12.2025 PASSED BY THE 1ST RESPONDENT IN NO.REV/PTCL/70/2025 AT ANNEXURE-G AND IMPUGNED ORDER DATED 19.08.2025 PASSED BY THE 2ND RESPONDENT IN NO.PTCL/3/2025/E-300907.3419 AT ANNEXURE-E; AND ETC.

IN WP NO. 110083/2025:

BETWEEN:

Y SRINIVAS RAO S/O. PALAKALA RAO
AGE. 53 YEARS, OCC. AGRICULTURIST,
R/O. JANGAMARAKALGUDI, GANGAVATHI,
KOPPAL DISTRICT.

...PETITIONER

(BY SRI. M.B.HIREMATH, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KOPPAL, KOPPAL DISTRICT-583201.
2. THE ASSISTANT COMMISSIONER
KOPPAL-583201.
3. THE TAHSILDAR AND
EXECUTIVE MAGISTRATE,
KARATAGI TALUK, KOPPAL DISTRICT.



4. SURESH S/O. SAVAREPPA
AGE. MAJOR, OCC. NIL,
R/O. GONDAVALA CAMP,
SIDDAPUR, TALUK. KARATAGI,
DISTRICT. KOPPAL-583201.
5. SHEETARAM S/O. BHOJANAIAK
SIDDAPUR TALUK KARATAGI,
DISTRICT. KOPPAL-583201.
6. CHIKKARAJU
SIDDAPUR TALUK, KARATAGI,
DISTRICT. KOPPAL-583201.

...RESPONDENTS

(BY SRI. ASHOK T.KATTIMANI, AGA FOR R1 TO R3;
SRI. B.C.JNANAYYASWAMI, ADVOCATE FOR R5 & R6;
NOTICE TO R4 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI, QUASHING THE IMPUGNED ORDER DATED 04.12.2025 PASSED BY THE 1ST RESPONDENT IN NO.REV/PTCL/70/2025 AT ANNEXURE-G AND IMPUGNED ORDER DATED 19.08.2025 PASSED BY THE 2ND RESPONDENT IN NO.PTCL/3/2025/E-300907.3419 AT ANNEXURE-E; AND ETC.

IN WP NO. 110085/2025:
BETWEEN:

G.RANGARAO S/O. ACHHANNA
AGE. 63 YEARS, OCC. AGRICULTURE,
R/O. JANGAMARAKALGUDI,
GANGAVATHI, KOPPAL DISTRICT.

...PETITIONER

(BY SRI. M.B.HIREMATH, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KOPPAL, KOPPAL DISTRICT-583201.
2. THE ASSISTANT COMMISSIONER



KOPPAL-583201.

3. THE TAHSILDAR AND
EXECUTIVE MAGISTRATE,
KARATAGI TALUK,
KOPPAL DISTRICT-583201.
4. SURESH S/O. SAVAREPPA
AGE. MAJOR, OCC. NIL,
R/O. GONDAVALA CAMP,
SIDDAPUR, TALUK. KARATAGI,
DISTRICT. KOPPAL-583201.
5. SHIVAPPA S/O. SOMU NAIK
SIDDAPUR TALUK KARATAGI,
DISTRICT. KOPPAL-583 201.

...RESPONDENTS

(BY SRI. ASHOK T.KATTIMANI, AGA FOR R1 TO R3;
SRI. B.C.JNANAYYASWAMI, ADVOCATE FOR R5;
NOTICE TO R4 IS SERVED)

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IN WP NO. 110086/2025:
BETWEEN:

Y. SRINIVAS RAO S/O. PALAKALA RAO
AGE. 53 YEARS, OCC. AGRICULTURIST,
R/O. JANGAMARAKALGUDI, GANGAVATHI,
KOPPAL DISTRICT-583101.

...PETITIONER

(BY SRI. M.B.HIREMATH, ADVOCATE)



AND:

1. THE DEPUTY COMMISSIONER
KOPPAL, KOPPAL DISTRICT-583201.
2. THE ASSISTANT COMMISSIONER
KOPPAL-583201.
3. THE TAHSILDAR AND
EXECUTIVE MAGISTRATE,
KARATAGI TALUK,
KOPPAL DISTRICT-583201.
4. SURESH S/O. SAVAREPPA
AGE. MAJOR, OCC. NIL,
R/O. GONDAVALA CAMP,
SIDDAPUR, TALUK. KARATAGI,
DISTRICT. KOPPAL-583201.
5. SOMU S/O. DEVALYA NAIK
SIDDAPUR TALUK KARATAGI,
DISTRICT. KOPPAL-583201.

...RESPONDENTS

(BY SRI. ASHOK T.KATTIMANI, AGA FOR R1 TO R3;
SRI. B.C.JNANAYYASWAMI, ADVOCATE FOR R5;
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THESE WRIT PETITIONS COMING ON FOR ORDER THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE K.S.HEMALEKHA



ORAL ORDER

All these writ petition are directed against the common order dated 19.08.2025 passed by the Assistant Commissioner, Koppal in PTCL/3/2025 and the Revisional Order dated 04.12.2025 passed by the Deputy Commissioner in revision REV/PTCL/70/2025, whereby, the lands in question under the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 ('PTCL Act' for short) are directed to be resumed and restored.

2. Since, the common questions of law and fact are involved in all the writ petitions, are taken up together and disposed of by this common order.

Brief facts:

3. The petitioners are purchasers of agricultural land situated at Kotnekal Village, Karatagi Taluk, Koppal District, bearing the following survey numbers:



SL No.	Writ petition No.	Survey numbers	Extent
1	110072/2025	38/8	2 acres
2	110075/2025	40/3	2 acres
3	110080/2025	38/9	2 acres
4	110081/2025	38/5	2 acre
5	110083/2025	38/6/4	4 acres
6	110085/2025	40/5	2 acres
7	110086/2025	40/2+4	4 acres

4. The lands were originally granted in the year 1978. Subsequent alienation took place between the years 2000 to 2016, and the petitioners purchased the land through registered sale deeds and their names were mutated in the revenue records and they are in possession. In the year 2025, respondent No.4 filed an application seeking resumption under Sections 4 and 5 of the PTCL Act. The Assistant Commissioner allowed the application and the Deputy Commissioner confirmed the same in revision. The grant is in the year 1978, PTCL



proceedings are initiated in 2025. The delay according to the petitioners is therefore nearly 47 years.

5. Learned counsel for the petitioners submits that the application for resumption was not filed by the original grantee but by respondent No.4, who has no *locus standi*. The grantee has not independently sought resumption. The first alienation was long back and subsequent purchaser has perfected title. The proceedings initiated after 47 years are barred by unreasonable delay and does not come to the rescue of those who have slept over their rights. It is submitted that the authorities failed to call for the original grant records as required under law and the Revisional Authority mechanically confirmed the order. The nature of grant (free grant or upset price), are not examined and the PTCL act cannot be invoked after unreasonable delay.

6. Reliance is placed on the following decision:



- i. ***Nekkanti Rama Lakshmi Vs. State of Karnataka¹*** (Nekkanti Rama Lakshmi).
- ii. ***Chhedilal Yadav and Others Vs. Hari Kishore Yadav (dead) Through Legal Representatives and Others²*** (Chhedilal).
- iii. ***Gouramma @ Gangamma Vs. Deputy Commissioner, Haveri and Others³*** (Gouramma).
- iv. ***Smt. M. Manjula and Others Vs. The Deputy Commissioner and Others⁴*** (M. Manjula).
- v. ***Muniraju and Others Vs. State of Karnataka and Others⁵*** (Muniraju).
- vi. ***Erappa Vs Assistant Commissioner and Others⁶*** (Erappa).

¹ (2020) 14 SCC 232

² (2018) 12 SCC 527

³ W.A.No.100101/2024 D.D 29.07.2024

⁴ W.A.No.210/2023 D.D 25.11.2023

⁵ W.P.No.3840/2022 10.01.2025

⁶ W.A.No.100265/2023 D.D 23.06.2023



7. Respondent No.4-applicant, who has sought for resumption has chosen to remain absent in the present proceedings.

8. Learned counsel appearing for the grantee contends that the land is a granted land. The PTCL Act is a beneficial legislation and no limitation is prescribed and the alienation was in violation of Section 4(2) of the PTCL Act.

9. This Court has carefully considered the rival submissions and perused the material on record. The point that arises for consideration is:

"Whether the proceedings initiated after 47 years are sustainable in law and whether the impugned order suffers from non-application of mind."

10. In **Nekkanti Rama Lakshmi**, the Apex Court has held at paragraph No. 8 has under:

"8. However, the question that arises is with regard to terms of Section 5 of the Act which



enables any interested person to make an application for having the transfer annulled as void under Section 4 of the Act. This section does not prescribe any period within which such an application can be made. Neither does it prescribe the period within which suo motu action may be taken. This Court in Chhedi Lal Yadav v. Hari Kishore Yadav and also in Ningappa v. Commr. reiterated a settled position in law that whether statute provided for a period of limitation, provisions of the statute must be invoked within a reasonable time. It is held that action whether on an application of the parties, or suo motu, must be taken within a reasonable time. That action arose under the provisions of a similar Act which provided for restoration of certain lands to farmers which were sold for arrears of rent or from which they were ejected for arrears of land from 1-1-1939 to 31-12-1950. This relief was granted to the farmers due to flood in Kosi River which make agricultural operations impossible. An application for restoration was made after 24 years and was allowed. It is in that background that this Court upheld that it was unreasonable to do so. We have no hesitation in upholding that the present application for restoration of land made by respondent Rajappa was made after an unreasonably long period and was liable to be dismissed on that ground.



Accordingly, the judgments of the Karnataka High Court, namely, R. Rudrappa v. Commr., Maddurappa v. State of Karnataka and G. Maregouda v. Commr. holding that there is no limitation provided by Section 5 of the Act and, therefore, an application can be made at any time, are overruled. Order accordingly."

11. The Apex Court held that even though Section 5 of the PTCL Act does not prescribe limitation, the provisions of the statute must be invoked within a reasonable time. The Apex Court was of the view that the authorities have to give due regard to the period of time within which an action has to be taken by the interested person. The Apex Court of the view that an inordinate delay in initiating an action by an interested person under Sections 4 and 5 of the PTCL Act no annulment of transfer could be allowed. In the present case, the person who has filed application seeking resumption of land is not even an interested person.



12. In ***Chhedi Lal***, the Apex Court has held that paragraph No.13 as under:

"13. In our view, where no period of limitation is prescribed, the action must be taken, whether suo motu or on the application of the parties, within a reasonable time. Undoubtedly, what is reasonable time would depend on the circumstances of each case and the purpose of the statute. In the case before us, we are clear that the action is grossly delayed and taken beyond reasonable time, particularly, in view of the fact that the land was transferred several times during this period, obviously, in the faith that it is not encumbered by any rights."

13. The Apex Court observed that the action taken after gross delay beyond reasonable time would be unsustainable and what constitute reasonable time depends on facts of each case. Here the delay is of 47 years from the date of grant and 25 years from the date of alienation, which is far beyond the reasonable period. The Division Bench of this Court in ***Gouramma's*** case at paragraph No.3 has reiterated as under:



3 *"Having heard the learned counsel appearing for the appellant and the learned Government Advocate, we decline indulgence in the matter for the following reasons:*

- (a) *The subject land does not answer the definition of 'granted land' in terms of Section 2(b) of the 1978 Act cannot be much disputed, inasmuch as the grant was not on account of social status of the grantee. The said grant was originally made in 1930 and later in 1958. The sale of this land happened vide registered Sale Deed dated 05.12.1972. The buyer, in turn, sold a part of the land to one Mr.Mahadevappa vide registered Sale Deed dated 16.04.1976. Admittedly, the resumption application filed earlier was rejected vide order dated 30.12.2002 and appeal against the same also came to be turned down vide order 27.08.2004. Even prior to this, there were resumption orders that were set aside by a learned Single Judge in W.P. No.2608/2000 vide order dated 22.11.2000, remitting the matter back for fresh consideration. That is how the subsequent application came to be moved; that was rejected vide order dated 30.12.2002. Even appeal met the same fate vide order 23.12.2003.*
- (b) *When above was the state of things as per record, it is ununderstandable as to how*



*persons claiming under the original grantee could move another application afresh on 27.08.2004. The Assistant Commissioner could not have allowed the said application vide order dated 22.11.2004. It sounds strange that even the Deputy Commissioner dismissed the appeal against the same vide order dated 17.03.2011. The records reveal that the first alienation took place vide Sale Deed dated 05.12.1972 and the subject application for resumption was filed on 27.08.2004. In the meanwhile, the Re-grant of the land was obtained since it was a "hereditary land" falling within the precincts of the Karnataka Village Offices Abolition Act, 1961. Apparently, there is a time gap of about thirty- two years spanning between alienation and the filing of resumption application. There is absolutely no explanation whatsoever for the laches that militate on record and against justice. Thus, the case squarely fits into the Apex Court decision in **Nekkanti Rama Lakshmi vs State Of Karnataka**¹, that tardy and belated claims should not be favoured. This reasoning has animated the impugned judgment, rightly and therefore, the same cannot be faltered.*

- (c) *The vehement submission of learned counsel for the appellant that Act 30 of 2023 has*



amended the provisions of Section 5 of the 1978 Act by adding clauses (c) & (d) to subsection (1) of the said Section and therefore, the concept of "limitation and delay" has to remain miles away. These new clauses read as under:

"(c) notwithstanding anything contained in any law, there shall be no limitation of time to invoke the provisions of this Act.

(d) the provisions of clause (c) shall apply to all cases pending before all the competent authorities and all Courts of Law adjudicating the cases under this section."

It hardly needs to be stated that at no point of time, the 1978 Act prescribed any period of limitation for moving application for the resumption of granted land after it is alienated.

- (d) *The Amendment Act that is made applicable with retrospective effect is only a duplication of the existing legal position. Such duplication happened even in English legislative history, hardly needs to be mentioned. The question of delay is a matter of limitation which this statute is silent about. Clauses (c) and (d), now introduced to Section 5(1) of the Act, do not bring any*



change in the statutory scheme. At the most, they are declaratory of what the statute has been all through, so far as the limitation period is concerned. Nobody disputes that there was no limitation period earlier and there is no limitation period now too. Laches, which would involve a host of factors, pertains to the Domain of Equity.

- (e) **Nekkanti** *supra* does not speak of "limitation period" at all. What it discusses is, the long lapse of time between alienation of granted land and the filing of claim for its resumption. Observations occurring in para 8 of the decision lend support to this view:

"8. However, the question that arises is with regard to terms of Section 5 of the Act which enables any interested person to make an application for having the transfer annulled as void under Section 4 of the Act. This Section does not prescribe any period within which such an application can be made. Neither does it prescribe the period within which suo motu action may be taken. This Court in the case of Chhedi Lal Yadav & Ors. vs. Hari Kishore Yadav (D) Thr. Lrs. & Ors., 2017(6) SCALE 459 and also in the case of Ningappa vs. Dy. Commissioner & Ors. (C.A. No. 3131 of 2007, decided on



14.07.2011) reiterated a settled position in law that whether Statute provided for a period of limitation, provisions of the Statute must be invoked within a reasonable time. It is held that action whether on an application of the parties, or suo motu, must be taken within a reasonable time. This relief was granted to the farmers due to flood in the Kosi River which make agricultural operations impossible. An application for restoration was made after 24 years and was allowed. It is in that background that this Court upheld that it was unreasonable to do so. We have no hesitation in upholding that the present application for restoration of land made by respondent-Rajappa was made after an unreasonably long period and was liable to be dismissed on that ground. Accordingly, the judgments of the Karnataka High Court, namely, R. Rudrappa vs. Deputy Commissioner, 2000 (1) Karnataka Law Journal, 523, Maddurappa vs. State of Karnataka, 2006 (4) Karnataka Law Journal, 303 and G. Maregouda vs. The Deputy Commissioner, Chitradurga District, Chitradurga and Ors, 2000(2) Kr. L.J.Sh. N.4B holding that there is no limitation provided by Section

5 of the Act and, therefore, an application can be made at any time, are overruled.”

(Emphasis is ours)



Apparently, the law declared by the Apex Court in the above case has not been altered by the subject amendment, even in the least.

- (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.Murugesan**² make*



out this point:

"Delay, laches and acquiescence

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.

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

14. The Division Bench marked difference between "delay and Laches", held that tardy and belated claims should not be favoured and considering the submission of the learned counsel that the Act 30 of 2023 was amended, the provisions of Section 5 of the PTCL Act by adding clauses (c) and (d) to sub Section (1) of the said Section and thereby held that the concept of "limitation and delay", has to remain miles away. Regard to amendment, it was stated that at no point of time that the Act itself did not prescribe any period of limitation for moving an



application for resumption of land after it was alienated, the amendment which has been made with retrospective effect is only duplication of the existing legal position as most common they are declaratory of what the statute has been all through so far as the limitation period is concerned.

15. This Court in **Mr. T.S Manjappa Vs Deputy Commissioner Davangere and Others**⁷ (Mr. T.S Manjappa) has held at paragraph No.10 as under:

*"10. It is not in dispute that there is no limitation prescribed in the enactment and neither the amendment which has been sought to be stated by the respondent as per the Karnataka Act 30 of 2023 prescribe no limitation of time to invoke the provisions of the Act. What is there is the latches which involves a ground factor and pertains to the domain of equity; neither in **Nekkanti Ramalakshmi** speak about the limitation period.*

⁷ W.P.No.2113 of 24 D.D 17.02.2025



*What is spoken or discussed is rather the long lapse of time between the alienation of the granted land and filing of a claim for its resumption. The decision of the Apex Court in the case of **Nekkanti Ramalakshmi's case** still stands the field and the amendment so sought also prescribed that no limitation of time to invoke the provisions of the Act. The recent decision of division bench of this Court headed by our Chief Justice in the case of **Vijayendra** took a similar view and held at para No.4 to 4.8 as under:*

"4. The legal provisions and development of law in the subject deserve to be noticed. While 'granted land' is defined in Section 3(b) of the Act, Section 4 of the Act deals with the prohibition of transfer of granted lands, to provide that notwithstanding anything in any law, agreement, contract or instrument, any transfer of granted land made either before or commencement of the Act, in terms of the contravention of the grant or in contravention of the law in that regard or in breach of sub-Section (2) of Section 4, such transfer shall be treated as null and void, not to



give any right, title or interest in favour of the person to whom the land is transferred.

4.1 As per sub-Section (2), no person shall after commencement of this Act, transfer or acquire by transfer any granted land without the previous permission of the Government. Under sub-Section (3), the provisions in sub-Sections (1) and (2) are made applicable to the sale of any land in execution of any decree or award, etc., of the Court. Section 5 of the Act deals with the resumption and restitution of granted lands.

4.2 Section 5 as it stood originally, reads as under,

"5. Resumption and restitution of granted lands-

(1) Where, on application by any interested person or on information given in writing by any person or suo-motu, and after such enquiry as he deems necessary, the Assistant Commissioner is satisfied that the transfer of any granted land is null and void under Sub-section (1) of Section 4, he may,-

(a) by order take possession of such land after evicting all persons in possession thereof in such manner as may be prescribed:



Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard;

(b) restore such land to the original grantee or his legal heir. Where it is not reasonably practicable to restore the land to such grantee or legal heir; such land shall be deemed to have vested in the Government free from all encumbrances. The Government may grant such land to a person belonging to any of the Scheduled Castes or Scheduled Tribes in accordance with the rules relating to grant of land.

(1-A) After an enquiry referred to in Sub-section (1) the Assistant Commissioner may, if he is satisfied that transfer of any granted land is not null and void pass an order accordingly.

(2) Subject to the orders of the Deputy Commissioner under Section 5-A, any order passed under sub-sections (1) and (1-A) shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceeding taken or about to be taken by the Assistant



Commissioner in pursuance of any power conferred by or under this Act.

(3) For the purposes of this Section, where any granted land is in the possession of a person, other than the original grantee or his legal heir, it shall be presumed, until the contrary is proved, that such person has acquired the land by a transfer which is null and void under the provisions of sub-section (1) of Section 4."

4.3 It would be noticed from the aforesaid provision that there is no prescription of time limit for resumption or restitution of the land which is null and void under Section 4(1) of the Act. However, various judicial decisions, prominent amongst is Nekkanti Rama Lakshmi (supra), which was in the very context of Sections 4 and 5 of the Act. It was held therein that the application made for restitution of the land after delay of 25 years, was not liable to be acceptable in law, as it was after unreasonable delay. It was held that there was no annulment of transfer could be allowed.

4.3.1 It was observed and held in Nekkanti Rama Lakshmi (supra),

"However, the question that arises is with regard to terms of Section 5 of the Act which enables any interested person



to make an application for having the transfer annulled as void under Section 4 of the Act. This section does not prescribe any period within which such an application can be made. Neither does it prescribe the period within which suo motu action may be taken. This Court in Chhedi Lal Yadav & Ors. vs. Hari Kishore Yadav & Ors., [2017 (6) Scale 459] and also in the case of Ningappa vs. Deputy Commissioner & Ors. [C.A. No. 3131 of 2007, decided on 14.07.2011] reiterated a settled position in law that whether statute provided for a period of limitation, provisions of the statute must be invoked within a reasonable time. It is held that action whether on an application of the parties, or suo motu, must be taken within a reasonable time.”

(para 8)

4.3.2 It was further stated,

“An application for restoration was made after 24 years and was allowed. It is in that background that this Court upheld that it was unreasonable to do so. We have no hesitation in upholding that the present application for restoration of land made by respondent Rajappa was made after an unreasonably long period



and was liable to be dismissed on that ground. Accordingly, the judgments of the Karnataka High Court, namely, R. Rudrappa vs. Deputy Commissioner, 2000 (1) Karnataka Law Journal, 303 and G. Maregouda vs. The Deputy Commissioner, Chitradurga District, Chitradurga and Ors, 2000(2) Kr. L.J.Sh. N.4B holding that there is no limitation provided by Section 5 of the Act and, therefore, an application can be made at any time, are overruled.”

4.4 While the aforesaid law that relief of setting aside of transfer could not be granted after unreasonably long period and the applications made under Section 5 for restitution or resumption of the land by a person could not be acted upon in favour of such person on the ground of delay, the legislature intervened to proceed to amend Section 5 by virtue of the Karnataka Scheduled Caste and Scheduled Tribes (Prohibition of Transfer of Certain Lands) (Amendment) Act, 2023, notified in the Gazette Notification dated 27.07.2023. Thereby sub-clauses (c) and (d) were inserted, namely,

“(c) Notwithstanding anything contained in any law, there shall be no limitation of time to invoke the provisions of this Act.



(d) The provisions of clause (c) shall apply to all cases pending before all the competent authorities and all Courts of Law adjudicating the cases under this section."

4.5 It was stated at the bar that the validity of the aforesaid amendment is challenged in Writ Petition No.27496 of 2023 which is pending before the learned Single Judge of this Court. This judgment does not touch anything on merits of the said validity proceedings and it is clarified that the said proceedings before learned Single Judge shall be decided on their own merits.

4.6 However, the aspects which emerged in light of the law laid down in Nekkanti Rama Lakshmi (supra), vis-à-vis the amendment in Section 5 and the situation obtained, came to be dealt with by the Coordinate Bench of this Court at Dharwad in Smt. Gouramma alias Gangamma vs. Deputy Commissioner, Haveri, which was Writ Appeal No.100101 of 2024 decided on 29.07.2024.

4.6.1 After noticing the amendment in Section 5, the Division Bench observed thus, in para 3(d),

"The Amendment Act that is made applicable with retrospective effect is only a duplication of the existing legal position. Such duplication happened even in



English legislative history, hardly needs to be mentioned. The question of delay is a matter of limitation which this statute is silent about. Clauses (c) and (d), now introduced to Section 5(1) of the Act, do not bring any change in the statutory scheme. At the most, they are declaratory of what the statute has been all through, so far as the limitation period is concerned. Nobody disputes that there was no limitation period earlier and there is no limitation period now too. Laches, which would involve a host of factors, pertains to the Domain of Equity."

4.6.2 *It was observed that in Nekkanti Rama Lakshmi (supra), did not speak of limitation period, but focused on the long lapse of time in making the application for restitution of the land, by quoting paragraph 8 above from the said decision, the Division Bench then held as per para 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."

4.7 From the decision of the Supreme Court in Union of India vs. N. Murugesan [(2022) 2 SCC 25], the Division Bench highlighted the nice distinction between 'delay and laches', as against 'limitation'. It was observed that the 'limitation' is a prescription of time for taking an action as contemplated by the legislature, whereas the concept of 'delay and laches' has a different connotation to operate.

4.8 The Coordinate Bench of this Court in Smt. Gouramma (supra), proceeded on the above reasoning to clarify that the issues were examined without touching the aspects of validity of



amendment which is pending adjudication. It was held in Smt. Gouramma (supra) that on the ground of laches, the court would be justified in denying the relief of setting aside the transfer and restoring the land to the applicant when he has approached the court after unreasonable delay and his approaching the court is marred by laches.”

16. The Division Bench in **Gouramma’s** case as held that doctrine of reasonable time continues to apply even after amendment to the Act. Thus the proceedings are vitiated on the ground of inordinate delay and unexplained delay. At the outset, it should also be stated that the resumption application was not even filed by the original grantee. When a person who has no demonstrable right seeks resumption after decades, the authority must examine his *locus standi*. No finding is recorded as to what right respondent No.4 claims, whether he is a legal heir or whether he is an authorized by grantee. This aspect goes to the root of jurisdiction.

17. Before parting with the matter, this Court deems it appropriate to lay down the manner in which the



proceedings under Sections 4 and 5 of the PTCL Act are required to be dealt with by the Assistant Commissioner and the Deputy Commissioner. The PTCL Act is undoubtedly a beneficial legislation. However, being a statute which nullifies registered conveyances and unsettled long standing property rights, the authority exercising jurisdiction thereunder are required to act with circumspection, strict adherence to law and in conformity with the binding judicial precedents.

18. Whenever an application for resumption is filed, the Assistant Commissioner also must determine as to:

- i. Who has filed the application.
- ii. Whether such person is an original grantee.
- iii. Is he a legal heir.
- iv. Whether heirship is established or
- v. Whether the applicant has a *locus standi*.

19. Jurisdiction under Section 5 cannot be exercised at the instant of a person having no demonstrable right.



Failure to determine *locus standi* renders the proceedings vulnerable.

20. The law declared by the Apex Court in ***Nekkanti Rama Lakshmi*** and ***Chhedil Lal*** clearly mandates that even in the absence of statutory limitation, the power must be exercised within the reasonable time. The silence on delay amounts to failure to exercise jurisdiction in accordance with law. The Deputy Commissioner while exercising the revisional jurisdiction must also independently examine the entire records. The revisional power is not empty formality, it is a power that requires independent application of mind. It is to be clarified that the proceedings under the PTCL Act, the Assistant Commissioner must verify the original grant records, *locus standi* of the applicant, issue of delay shall be specifically considered and reasoned, and the Deputy Commissioner while exercising the revisional jurisdiction shall independently examine the entire material on record and render a speaking order.



21. For the foregoing reasons, the orders cannot be sustained on the ground of the settled proposition of law that the gross delay vitiates the proceedings and in this case, there is a delay of not few years but a delay of 47 years from the date of grant and 25 years from the date of first sale. Accordingly, this Court pass the following:

ORDER

- i. The writ petitions are ***allowed***.
- ii. The order dated 19.08.2025, passed by the Assistant Commissioner and the order dated 04.12.2025 passed by the Deputy Commissioner have been ***quashed***.
- iii. Proceedings initiated under the PTCL Act in respect of the land mentioned above are hereby ***dismissed***.
- iv. The revenue entries shall continue in the name of the petitioners.

Sd/-
JUSTICE K.S.HEMALEKHA