



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12<sup>TH</sup> DAY OF DECEMBER, 2024

PRESENT

THE HON'BLE MR. N. V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT APPEAL No. 948 OF 2023 (SCST)

**BETWEEN:**

1. SRI. S.D. NARASIMHAMURTHY,  
S/O A. K. NARASIMHAIAH  
@ DOOMONU @ DOOMAPPA,  
AGED ABOUT 47 YEARS,  
R/AT SOPPAHALLI VILLAGE,  
KASABA HOBLI,  
CHIKKABALLAPUR  
TALUK AND DISTRICT 562 101.

...APPELLANT

(BY SRI VISHWANATH R. HEGDE, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
DEPARTMENT OF REVENUE,  
M.S. BUILDING,  
DR. AMBEDKAR VEEDHI,  
BENGALURU 560 001.  
REP. BY ITS SECRETARY,
2. THE DEPUTY COMMISSIONER,  
CHIKKABALLAPURA  
CHIKKABALLAPURA DISTRICT -562 101.
3. THE ASSISTANT COMMISSIONER,  
CHIKKABALLAPURA SUB DIVISION,  
CHIKKABALLAPURA DISTRICT 562 101.





4. SMT. NARAYANAMMA,  
W/O SRI. PILLANARAYANAPPA,  
R/AT SOPPAHALLI VILLAGE,  
KASABA HOBLI,  
CHIKKABALLAPURA TALUK  
AND DISTRICT 562 101.

...RESPONDENTS

(BY SRI K. S. HARISH, GA FOR R1 AND R2;  
SRI RAVISHANKAR S., ADVOCATE FOR R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET-ASIDE THE ORDER DATED 16/12/2021 IN WP No.12284/2014 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT AND DISMISS THE WRIT PETITION.

THIS WRIT APPEAL COMING ON FOR ORDERS THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE  
N. V. ANJARIA  
and  
HON'BLE MR JUSTICE K. V. ARAVIND

**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard learned advocate Mr. Vishwanath R. Hegde for the appellant, learned Government Advocate Mr. K.S. Harish for respondent Nos.1 and 2 and learned advocate Mr. S. Ravishankar for respondent No.4.

2. The present appeal under Section 4 of the Karnataka High Court Act, 1961 directed against the judgment and order dated 16.12.2021. This appeal is by respondent No.1/grantee.



3. The purchaser filed the writ petition challenging the order dated 18.03.2011 by respondent No.3-Assistant Commissioner, Chikkaballapur District, whereby the sale deed was set aside and re-grant was ordered. The said order came to be confirmed by respondent No.2-Deputy Commissioner, Chikkaballapur.

3.1 The land in dispute is Sy.No.101 of Soppahalli Village, Kasaba Hobli, Chikkaballapur Taluk, measuring 3 Acres and Sy.No.200 of the same village measuring 3 Acres 12 Guntas. The land was granted in favour of A.K. Narasimhaiah, the father of respondent No.4. A.K. Narasimhaiah executed the registered Sale Deed dated 10.07.1968. Thereafter, he filed an application under Section 5 of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short '1978 Act'). The Assistant Commissioner after holding an enquiry held that the sale deed is in violation of Section 4(1) of 1978 Act, declared the sale deed as null and void and ordered resumption of the land. The petitioner/purchaser preferred an appeal before the Deputy Commissioner, which came to be dismissed by confirming the resumption order. The said orders were subject matter of the impugned writ petition.



3.2. Learned Single Judge noticing the date of grant, date of sale and the date of coming into force of 1978 Act i.e. 01.01.1979 held that the application for restoration is filed after lapse of 25 years from the date of the Act and after 45 years from the date of execution of the sale deed. The orders passed by the Assistant Commissioner and the Deputy Commissioner ordering restoration came to be set aside by allowing the writ petition.

3.3 Learned Single Judge while setting aside the order of resumption relied on the judgments of the Hon'ble Supreme Court in the case of **Nekkanti Rama Lakshmi vs. State of Karnataka and another, [2018 (1) KLR 5 (SC)]** and **Vivek M. Hinduja and others vs. M. Ashwatha and others, [2018 (1) KLJ 176 (SC)]**.

4. Learned advocate Mr. Vishwanath R. Hegde appearing for the appellant reiterating the contentions submits that the limitation does not apply to resumption of land under the 1978 Act. Learned advocate further submits that in view of amendment to 1978 Act, the limitation is not applicable for applying resumption.

5. Learned Government Advocate Mr. K.S. Harish appearing for respondent Nos.1 and 2 submits that in view of amendment to 1978 Act, no limitation can be applied.



6. Learned advocate Mr. S. Ravishankar for respondent No.4 submits that even after the amendment, legal position as held by the Hon'ble Supreme Court in **Nekkanti Rama Lakshmi and Vivek M. Hinduja** (supra) would not alter.

7. Having considered the issue raised for consideration of this Court, it is no longer *res integra*, in view of the series of orders passed by this Court regarding the time frame within which applications under Sections 4 and 5 of the 1978 Act may be entertained for the restoration and restitution of land. The judgments of the Hon'ble Supreme Court and the Co-ordinate Bench of this Court have been duly considered in Writ Appeal No. 210 of 2023 dated 25.11.2024. In the aforesaid judgment, reference is made to the decision of the Hon'ble Supreme Court in **Nekkanti Rama Lakshmi (supra)**. Further, reference is made to the judgment rendered by the Co-ordinate Bench of this Court in **Smt. Gouramma alias Gangamma vs. Deputy Commissioner, Haveri** in Writ Appeal No. 100101 of 2024, decided on 29.07.2024. The judgment also refers to the Supreme Court's ruling in **Union of India vs. N. Murugesan [(2022) 2 SCC 25]**.



8. This Bench, after a detailed analysis of the aforementioned judgments and the provisions of the 1978 Act, has examined the distinction between 'delay and laches' and 'limitation'. It is held that 'limitation' refers to the time prescribed by the legislature within which an action must be taken, while the concepts of 'delay and laches' operate differently. It is further held that the principles governing delay and laches overlap, but delay and laches also have an equitable aspect. Delay serves as the genus, while laches and acquiescence are its species. The jurisprudential concepts of delay, laches, and acquiescence carry their own meanings and connotations, often differing from the mere expiration of the time period prescribed by the statutory limitation. Limitation governs the initiation of legal action or the filing of proceedings, whereas laches involves an element of culpability in allowing time to pass without commencing legal action.

9. In the present case, the grant was made in 1957, and the sale occurred in 1968. The application for restitution was filed 45 years after the execution of the registered sale deed and 25 years after the 1978 Act came into force.



10. In view of the factual circumstances and the legal position stated above, the restoration of land cannot be permitted after a period of 25 years. The issue of laches is relevant in this context. It would be highly unreasonable, unjust and inequitable as well as contrary to the law, to grant any relief to the original grantee by allowing the restitution of land after such a prolonged delay. After the lapse of such a long period, it is not permissible to declare the transfer of land as null and void.

11. For the reasons mentioned above, no error is discernible in the order passed by the learned Single Judge that would justify interference by this Court. Consequently, the appeal is hereby dismissed.

In view of dismissal of main appeal, pending interlocutory applications stand disposed of as not surviving.

**Sd/-  
(N. V. ANJARIA)  
CHIEF JUSTICE**

**Sd/-  
(K. V. ARAVIND)  
JUDGE**