



CNR: KAHC010283772021

NC: 2026:KHC:39817
WP No. 14480 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 14480 OF 2021 (KLR-CON)

BETWEEN:

G S SHIVAPPA,
S/O LAGE SIDDEGOWDA,
AGED ABOUT 61 YEARS,
MALAVALLI ROAD, 5TH CROSS,
BESIDE ROTARY CLUB,
GORAVANAHALLI,
MADDUR TOWN - 571101.

...PETITIONER

(BY SRI SHARATH GOWDA G B, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP BY ITS SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA, BENGALURU - 560001.
2. THE DEPUTY COMMISSIONER,
MANDYA DISTRICT, MANDYA - 571401.
3. BANGALORE MYSORE INFRASTRUCTURE CORRDIOR,
AREA PLANNING AUTHORITY,
NO 5, 2ND FLOOR, LOOPLANE,
RACE COURSE ROAD,
BENGALURU - 560009,
BY ITS THE MEMBER SECRETARY.

...RESPONDENTS

(BY SRI SPOORTY HEGDE N, HCGP FOR R1 AND R2,
SRI YOGESH D NAIK, ADVOCATE FOR R3)

Digitally signed
by BELUR
RANGADHAMA
NANDINI

Location: HIGH
COURT OF
KARNATAKA



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT DTD.8.6.2020 ISSUED BY THE R-2 ANNEXURE-ATHE ENDORSEMENT DTD.25.1.2021 ISSUED BY THE R-3 ANNEXUR-BDIRECT R-2 AND 3 TO ISSUE NECESSARY ORDERS PERMITTING THE CHANGE OF LAND USE OF PETITIONERS LAND IN SY NO.760/3 MEASURING 3.12 GUNTAS OF MADURU VILLAGE, KASABA HOBLI, MADDUR TALUK FOR COMMERCIAL (LODGING) PURPOSE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

In this Writ Petition, the petitioner is assailing the Endorsement dated 08.06.2020 (Annexure-A) passed by respondent No.2 and the Endorsement dated 25.01.2021 (Annexure-B) issued by respondent No.3, *interalia* sought for direction to respondents No.2 and 3 to issue necessary orders permitting the change of the land use of petitioner's land in question.

2. Heard Sri.Sharath Gowda G.B., the learned counsel appearing for the petitioner and Sri.Spoorthy Hegde N., learned High Court Government Pleader appearing for the



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WP No. 14480 of 2021**

respondents No.1 and 2 and Sri Yogesh D.Naik, learned counsel for respondent No.3.

3. It is contended by the learned counsel for the petitioner by referring to the earlier Notification dated 31.08.2004 wherein the order of conversion has been made in favour of the vendor of the petitioner and thereafter the petitioner had purchased the land in question as per the registered sale deed dated 18.08.2015 (Annexure-C). Therefore, it is contended by the learned counsel for the petitioner that the petitioner has made an application seeking renewal of the order of conversion. However, same has been rejected by the respondent -authorities on the ground that, the land in question has been ear-marked for the purpose of park. It is argued by the learned counsel for the petitioner by referring the Section 69(2) of the Karnataka Town and Country Planning Act, 1961 (for short 'Act of 1961') and contended that as the respondent-authorities have reserved the land in question and same has not been executed within a period of 5 years as required under



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Section 69(2) of the Act of 1961 and therefore the same would become lapsed and therefore sought interference by this Court.

4. *Per contra*, learned High Court Government Pleader sought to justify the impugned Endorsements.

5. In the light of the submission made by the learned counsel for the parties and on careful consideration of the undisputed fact that originally land in question has been considered by the respondent authorities for conversion under Section 95 of the Karnataka Land Revenue Act, 1964 and Rules 1966 and thereby the O.M. dated 31.08.2004 (Annexure-E) came to be passed. One of the reasons/conditions stipulated in Annexure-E that the owner of the land in question has to utilize the land for the purpose for which it has been converted. However, during the said period, the petitioner herein had purchased the land in question as per the registered sale deed dated 18.08.2015 (Annexure-C). Thereafter, the petitioner has made an application seeking renewal of conversion order of the land in



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WP No. 14480 of 2021**

question. However, the impugned endorsement has been issued by respondent-authorities stating that the land bearing Sy.No.760 of Maddur village has been reserved for the purpose of park and open space.

6. Taking into consideration the language employed in Section 69(2) of the Act of 1961, wherein it is stated that in the event if the land designated for the public purpose and has not been utilized for the purpose for which it has been designated within a period of 5 years and as such the said designation shall deem to have lapsed. However, there is no material on record to show that the land in question has been utilized for the park and open space in the present Writ Petition.

7. In that view that matter, I find force in the submission made by the learned counsel for the petitioner and the impugned endorsement dated 08.06.2020 at Annexure-A is contrary to Section 69(2) of the Act of 1961. Hence, the Writ Petition requires to be allowed. Accordingly, I pass the following:



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ORDER

- (i) The Writ Petition is ***allowed***.
- (ii) The Endorsement dated 08.06.2020 (Annexure-A) passed by respondent No.2 and the Endorsement dated 25.01.2021 (Annexure-B) passed by respondent No.3 is accordingly set-aside.
- (iii) The matter is remitted to respondent No.2 to reconsider the issue afresh as to the renewal of the conversion order in terms of the Annexures-E and F within a period of 2 months from the date of receipt of certified copy of this order.

**Sd/-
(E.S.INDIRESH)
JUDGE**

GVP
List No.: 1 SI No.: 46