



CNR: KAHC010452702026

NC: 2026:KHC:36381-DB
WP No. 20209 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO. 20209 OF 2026 (GM-MM-S)

BETWEEN:

1. SRI K. MRIDULA AIYAPPA
S/O K.M. GAYA KAVERAPPA
AGED ABOUT 30 YEARS
R/AT KALTHMADU VILLAGE
AMMATHI HOBLI
VIRAJPET TALUK
KODAGU DISTRICT - 571 218

2. SRI K.U. GAUTHAM
S/O K.M. UMESH
AGED 31 YEARS
R/AT KALTHMADU VILLAGE
AMMATHI HOBLI
VIRAJPET TALUK
KODAGU DISTRICT - 571 218

...PETITIONERS

(BY SRI AJAY N., ADVOCATE FOR
SMT. NAMITA NARAYANASWAMY, ADVOCATE)

Digitally
signed by K
P SWETHA
Location:
High Court
of Karnataka



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AND:

1. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
M.S. BUILDINGS
DR. AMBEDKAR VEEDHI
BENGALURU - 560 001
2. THE DEPUTY COMMISSIONER
MADIKERI
KODAGU DISTRICT- 571 201
3. THE SENIOR GEOLOGIST
DEPARTMENT OF MINES AND GEOLOGY
MADIKERI
KODAGU DISTRICT - 571 201

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI, OR ANY OTHER APPROPRIATE WRIT, ORDER QUASHING THE ENDORSEMENT/REJECTION ORDER DATED 25.03.2026 ON THE APPLICATION BEARING No. 824092 ISSUED BY RESPONDENT No. 2 VIDE ANNEXURE-A & ETC.

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



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CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. Issue notice.
2. The learned Additional Government Advocate accepts notice for the respondents.
3. The petitioners have filed the present petition impugning an endorsement dated 25.03.2026, whereby the petitioners' application for conversion of the agricultural land falling in Sy.No.107/3 measuring 4 acres situated at Kalathmadu Village, Ammathi Hobli, Virajpet Taluk, Kodagu District was rejected on the following grounds: (i) that the applied land had steep slope angle of 25 to 35 degrees and allowing mining activities near the area would have significant impact on the environment such as deforestation, soil erosion, which would lead to increased risk of landslides and soil degradation; (ii) the pollution caused in the stream flowing near the applied land may harm the aquatic life and adversely affect the water quality; (iii) the quarrying activity would result in noise



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pollution, disturbance to wild life and the local community; and (iv) it would result in increased waste strain on the local waste management system.

4. It is the petitioners' case that, in terms of Section 95(9) of the Karnataka Land Revenue Act, 1964 [hereafter, '**the KLR Act**'], whenever an occupant of land assessed or held for the purpose of agriculture seeks to divert such land or any part thereof, for quarrying of minor minerals, the occupant shall apply to the Deputy Commissioner, along with the applicable fine, for diversion of such land; and on such application, permission for diversion shall be deemed to have been granted. It is therefore, contended that the permission for conversion could not be denied by the Deputy Commissioner, as it is granted by virtue of the statutory fiction.

5. The learned Additional Government Advocate points out that, although there is no cavil that if any application is made for conversion of land for quarrying of minor minerals accompanied by the applicable fine the land would be deemed to be converted, such conversion is however subject to obtaining a lease or licence or working permission under the applicable enactments.



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6. The learned Additional Government Advocate has handed over a copy of an order dated 29.09.2020 passed by a co-ordinate Bench of this Court in W.P.No.4275/2020 (GM-MM-S). He submits that in similar circumstances, the Court had held that the deemed conversion under Section 95(9) of the KLR Act was automatic on an application being made for conversion along with the fine payable to the Deputy Commissioner. However, the Court had also clarified as under:

"5(iv) We make it clear that notwithstanding the grant of deemed conversion, the petitioner will not be entitled to change the user of the said land unless he is granted a lease/license in accordance with the provisions of the Karnataka Minor Mineral Concession Rules, 1994."

7. Although the reasons as set out for denial of conversion appear persuasive, the conversion cannot be denied. The statutory scheme of Section 95(9) of the KLR Act is clear: once an application is made and the fine is paid, the land is deemed to be converted. However, this is subject to the grant of a quarry lease/licence. And, the question whether quarry lease ought to be granted on the subject land is a matter to be decided by the



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concerned authorities in accordance with the relevant statutory provisions and rules.

8. In view of the above, we allow the present petition and set aside the impugned endorsement. We also clarify that the deemed conversion is subject to the petitioners obtaining the quarry lease or licence. Needless to state that the concerned authority shall also consider the issues as highlighted in the impugned endorsement while considering the grant of a quarry lease or licence for the minor mineral.

9. It is also clear that the conversion would take effect only when the quarry lease or licence is granted as the words of Section 95(9) of the KLR Act are clear that there would be deemed conversion subject to obtaining lease or licence or working permission under the relevant rules.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**