IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 18TH DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.15089 OF 2020(EXCISE)

BETWEEN:

C. MOHANKUMAR GOWDA,
S/O LATE CHINKALIGEGOWDA,
AGED 55 YEARS,
RESIDING AT 4960,
SHIVAANJENAYA MAIN, 3RD STAGE,
DATTAGALLI, MYSURU 570023.

... PETITIONER

(BY SRI.RUPESH KUMAR S, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   REPRESENTED BY ITS CHIEF SECRETARY,
   CONSERVATION OF FOREST DEPARTMENT,
   VIDHANA SOUDHA, AMBEDKAR VEEDHI,
   BANGALORE 560001

2. THE DEPUTY COMMISSIONER,
   CHAMARAJ NAGAR DISTRICT,
   DOUBLE ROAD, CHAMARAJ NAGAR 571457.

3. THE DEPUTY COMMISSIONER OF EXCISE,
   CHAMARAJ NAGAR DISTRICT,
   DOUBLE ROAD, CHAMARAJ NAGAR 571457.

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH SHOW-CASUE NOTICE DATED 04.11.2020 ISSUED BY THE R-2 VIDE ANNX-A.

THIS PETITION COMING ON FOR *ORDERS* THIS DAY THROUGH VIDEO CONFERENCE, THE COURT MADE THE FOLLOWING:-

O R D E R

Petitioner, a CL-2 Licensee is knocking at the doors of Writ Court for laying a challenge to the Notice dated 04.11.2020 issued by the second respondent at Annexure-A whereby he is asked to show cause against the proposed cancellation of the said license on the ground that the license premises is situate on an agricultural land without obtaining conversion to non-agricultural purpose.

2. Learned AGA Smt. Niloufer Akbar on request appearing for the respondents vehemently opposes the writ petition contending that under Section 95 and other cognate provisions of Karnataka Land Revenue Act, 1964, an agricultural land cannot be used for non-agricultural purpose and that, using agricultural land for alien purpose is an offence and therefore such persons should not be shown indulgence by the Writ Court; having so argued she also fairly submits now that although the writ petitioner is too premature to be treated, there would be no much difficulty for considering petitioner's reply dated 20.11.2020 at Annexure-B in accordance with law and that till a decision is taken, petitioner would not be put to prejudice.

In view of the above fair stand of the respondents, this writ petition is disposed off..

No costs.

Sd/-
JUDGE

Snb/