IN THE HIGH COURT OF KARNATAKA

DHARWAD BENCH

DATED THIS THE 20TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 103199 OF 2023 (KLR-CON)

BETWEEN:

MUNEER SIDDIQUE
S/O LATE MOHAMMAD SIDDIQUE SAB
AGED ABOUT 56 YEARS, OCC. AGRICULTURE
R/O HOSAPETE, TQ.HOSAPETE
DIST. VIJAYANAGAR, PIN CODE:583 201

...PETITIONER

(BY SRI G I GACHCHINAMATH, ADVOCATE.)

AND:

1. THE STATE OF KARNATAKA
   BY ITS SECRETARY TO REVENUE
   DEPARTMENT, VIDHANA VEEDHI
   BENGALURU.

2. THE DEPUTY COMMISSIONER
   VIJAYANAGAR DISTRICT,
   HOSAPETE, PIN CODE:583 201

...RESPONDENTS

(BY SRI V.S.KALASURMATH, HCGP.)

SUJATA SUBHASH PAMMAR
Digitally signed by SUJATA SUBHASH PAMMAR
Date: 2024.02.07 21:47:49 -0800

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO:

1) QUASH BY ISSUE OF WRIT OF CERTIORARI THE IMPUGNED ENDORSEMENT DATED 14-06-2022 BEARING NO. NIL PRODUCED AS ANNEXURE-E ISSUED BY THE RESPONDENT NO.2;

2) DECLARE BY ISSUE OF WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.2 THAT THE LAND OF THE PETITIONER

BEARING SY.NO.69/C/4 MEASURING 50 CENTS SITUATED AT JAMBUNATHANAHALLI, TQ HOSAPETE, DIST VIJAYANAGAR, IS ENTITLED FOR DEEMED CONVERSION BY VIRTUE OF SECTION 95(2) OF THE KARNATAKA LAND REVENUE ACT;

3) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.2 TO ACCEPT THE CONVERSION FEE IF ANY AND ISSUE THE CONVERSION ORDER IN TERMS OF SECTION 95 OF THE KARNATAKA LAND REVENUE ACT IN RESPECT OF THE LANDS BEARING SY.NO.69/C/4 MEASURING 50 CENTS SITUATED AT JAMBHUNATHANAHALLI VILLAGE, TQ. HOSAPETE, DIST. VIJAYANAGAR, AND ETC.,.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is the owner of land bearing Sy.No.69/C/4 measuring 50 cents, situated at Jambunathanahalli village in Ballari district, which falls within the municipal limits of Hosapete. Petitioner filed an application on 17.03.2022 under Section 95 of the Karnataka Land Revenue Act with respondent No.2-Deputy Commissioner to permit him to divert his land for the residential purposes. However, respondent No.2 rejected the request of the petitioner for diverting the land in question for residential purposes.

2. It is not in dispute that the land in question is situated within the Municipal limits of Hosapete. A co-ordinate Bench of this Court in W.P.No.105734 of 2016 disposed of on 21.02.2018 has held that if the land falls within the Corporation

limits, the provisions of Karnataka Land Revenue Act ceases to apply to the said land. The order passed in the said writ petition was confirmed by the division bench of this Court in W.A.No.100124 of 2018. In an appeal filed before the Hon'ble Supreme Court by the Urban Development Authority against the judgment passed in the said writ appeal, the Hon'ble Supreme Court confirmed the order passed by this Court.

3. In view of the law laid down by this Court in the aforesaid case, there is no requirement for the petitioner to seek permission to divert the land in question for the residential purposes, and the land is deemed to have been converted for the purposes for which it is reserved in the master plan published by the Planning Authority. Therefore, the requirement of seeking permission to divert the land in question for the residential purposes is not necessary.

4. Accordingly the writ petition is allowed. The impugned endorsement dated 14.06.2022, issued by respondent No.2, produced at Annexure-E is hereby quashed and the petitioner is permitted to use land bearing Sy.No.69/C/4 measuring 50 cents situated at

Jambunathanahalli village, Tq: Hosapete, Dist: Vijayanagara for residential purpose.

Sd/-
JUDGE

MRK
CT:ANB
List No.: 2 Sl No.: 38