HC-KAR

NC: 2026:KHC:61026-DB
WP No. 24875 of 2026

CNR: KAHC010543942026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO.24875 OF 2026 (GM-MM S)

BETWEEN:

DEEPAK
S/O MALLU KANKONKAR,
AGE: 57 YEARS,
OCC: BUSINESS,
R/O H.P. NO.17, RAMNAGAR,
TAL: JOIDA,
DIST.: KARWAR (U.K.) - 581453.

...PETITIONER

(BY SRI. ABHIJEET S. KANKONKAR, ADVOCATE FOR
SRI. SHADAB HASANSAB YADAWAD, ADVOCATE)

Digitally signed by
MAHALAKSHMI B M
Location: High Court
of Karnataka

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BENGALURU - 560001.

2. THE DEPUTY COMMISSIONER
UTTAR KANNADA - 581301.

3. THE TAHSILDAR
JOIDA,
DIST: UTTAR KANNADA - 581186.

4. THE REVENUE INSPECTOR
RAMNAGAR, TAL: JOIDA
DIST: KARWAR (U.K.) - 581453.

5. THE ASSISTANT DIRECTOR OF LAND RECORD
TAL: JOIDA,
DIST. UTTAR KANNADA - 581186.

…RESPONDENTS

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

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING THE IMPUGNED ENDORSEMENT DATED 24.01.2025 ISSUED BY RESPONDENT NO.2 (ANNEXURE-B) WHEREBY THE APPLICATION FILED BY THE PETITIONER SEEKING DEEMED LAND CONVERSION UNDER SECTION 95(9) OF THE KARNATAKA LAND REVENUE ACT, 1964, HAS BEEN REJECTED AND ETC.

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

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

CNR: KAHC010543942026

ORAL ORDER

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

1. The petitioner has filed the present petition, impugning the endorsement dated 24.01.2025 issued by respondent No.2 (the Deputy Commissioner, Uttara Kannada), rejecting the petitioner's application seeking an order of deemed land conversion of the land bearing Sy. No.43A/195+196, Plot No.340, measuring 4 acres 38 guntas, situated at Adalli Ramnagar Village, Joida Taluk, Karwar District, Uttara Kannada [**subject land**] under Section 95 (9) of the Karnataka Land Revenue Act, 1964 [**the Act**] and the endorsement dated 28.07.2026 rejecting the petitioner's representation in that regard.

2. The petitioner claims to be the lawful and absolute owner in possession of the subject land. The petitioner states that, with the intent of commencing a stone quarry business, he applied for conversion of the subject land from agricultural to non-agricultural purposes on 18.12.2024. The petitioner submitted the application online, as required. On 29.06.2026, the petitioner also paid ₹1,07,772/- to respondent No.2 in respect of the fine/fee for

conversion of a portion of the subject land. The payment was also communicated to respondent No.2 by a letter dated 06.07.2026. Prior to this, the petitioner's application had been rejected on 24.01.2025, and the endorsement communicating the rejection order was made available online. The said endorsement indicates that the petitioner's application was rejected on the ground that the Local Planning Authority had given negative views. The petitioner's representation dated 06.07.2026 was rejected by the endorsement dated 28.07.2026.

3. Neither the endorsement made available online nor the endorsement dated 28.07.2026 rejecting the petitioner's representation indicates the specific reasons for rejection. However, this Court is informed that the petitioner's application was rejected as it was not accompanied by the sketch as required under Form 21A of the Karnataka Land Revenue Rules, 1966 [**KLR Rules**].

4. The learned counsel for the petitioner states that he was aware of the grounds on which the application had been rejected.

However, since the endorsement did not communicate specific reasons, no grounds were raised to challenge it.

5. The learned Additional Government Advocate submits that furnishing a sketch of the subject land sought to be diverted is mandatory, as without it, it would not be possible to determine the specific portion of the land sought to be converted. He submits that in the present case, the petitioner sought conversion of only a part of the land falling in one survey number and it would be impossible to identify the same without a sketch.

6. It is necessary to refer to Section 95(9) of the Act, which reads as under :

> "**95. Uses of agricultural land and the procedure for use of agricultural land for other purpose.-** (1) x x x
>
> (9) whenever any occupant of land assessed or held for purpose of agriculture wishes to divert such land or any part thereof for the purpose of quarrying of minor minerals, whether specified or non specified in accordance with the rules governing quarrying of minor minerals or stone crushing activity under the Karnataka regulation of stone crushers Act, 2011 (Karnataka Act 8 of 2012), shall make an application along with the fine applicable to the Deputy Commissioner for diversion of such land. On such application, the permission for diversion of such land shall be deemed to have been granted subject to obtaining lease or license or working permission under the said enactments."

7. The opening sentence of sub-section (9) of Section 95 of the Act states that whenever an occupant of land assessed or held for agricultural purposes wishes to divert "such land or any part thereof" for the purpose of quarrying minor minerals, it shall make an application, along with the applicable fine, to the Deputy Commissioner for diversion of such land. It is implicit that the extent of the land, or any part thereof, sought to be diverted must be specifically identified.

8. Form 21A also indicates that the boundaries of the land sought to be diverted, along with a sketch of the same, must be furnished with the application. Admittedly, the petitioner's application was not accompanied by the sketch required under Form 21A. In this view, we cannot fault respondent No.2 for rejecting the application on the ground that it was not accompanied by a sketch identifying the part of the subject land sought to be diverted.

9. The learned counsel for the petitioner submitted that it is impossible for the petitioner to comply with the requirement of

furnishing a sketch, as the Revenue authorities have stopped issuing sketches since the year 2024. He stated that initially, when the land was granted, it fell within the boundaries of Belagavi District. Subsequently, due to a change in district boundaries, the land fell within Uttara Kannada District. He submits that although a fresh survey number was required to be assigned, the Revenue authorities failed to do so.

10. He submits that the petitioner had filed a separate writ petition, *inter alia,* seeking issuance of a sketch of the subject land. The said petition was allowed, and the appeal preferred by the Government is pending before the Dharwad Bench of this Court.

11. We do not consider it apposite to examine the controversy as to the issuance of a sketch for the portion of the subject land as requested by the petitioner. This controversy is not a subject matter of these proceedings.

12. The present petition is confined to determine whether the rejection of the petitioner's application for deemed conversion warrants interference. As noted above, since the application was not accompanied by a sketch, as required, the respondent's

decision to reject the same warrants no interference in the present proceedings.

13. We make it clear that nothing stated in this order would preclude the petitioner from pursuing his remedies for securing a sketch of the subject land. We also clarify that, if the petitioner seeks a refund of the fee already paid, he is at liberty to apply for the same, and the concerned authorities shall refund it. The petitioner is not precluded from applying afresh after complying with all the conditions as required for obtaining deemed conversion.

14. The petition is dismissed with the aforesaid observations.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

MBM
List No.: 2 Sl No.: 3