HC-KAR

NC: 2026:KHC:55168
WP No. 31039 of 2026

CNR: KAHC010681122026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 05TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO.31039 OF 2026 (KLR-RES)

BETWEEN:

1. SRI. T.R. HEMANTH KUMAR
S/O T.L. RAMAKRISHNA,
AGED ABOUT 35 YEARS,
R/AT GANGAMMANAGUDI BEEDHI,
THYAMAGONDLU TOWN,
NELAMANGALA TALUK,
BENGALURU RURAL DISTRICT-562 132.

...PETITIONER

(BY SRI. R. SRINIVASA GOWDA, ADVOCATE)

AND:

Digitally signed by CHAYA S A
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M.S. BUILDING,
BENGALURU-560 001,
REP BY ITS PRINCIPAL SECRETARY.

2. THE DEPUTY COMMISSIONER,
BENGALURU RURAL DISTRICT,
BEERASANDRA GATE,
DEVANAHALLI TALUK,
BANGALORE RURAL DISTRICT- 562 110.

3. THE TAHSILDHAR

NELAMANGALA TALUK,
NELAMANGALA-562 132.

…RESPONDENTS

(BY SRI. ADITYA DIWAKARA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ENDORSEMENT ORDER DATED 22/09/2026 ISSUED BY THE RESPONDENT NO.2 IN FILE NO. BRDC-LAND0ALN1/13/2026/ E COMP NO.1190364 (ANNEXURE-G); AND ETC.

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

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

ORAL ORDER

1. Sri. Aditya Diwakara, learned Additional Government Advocate accepts notice for respondents.

2. In this writ petition, the petitioner is assailing the endorsement dated 22.09.2026 at Annexure-G issued by the respondent No.2-Deputy Commissioner.

3. Heard Sri. Srinivasa Gowda, learned counsel appearing for the petitioner, and Sri. Aditya Diwakara,

learned Additional Government Advocate appearing for the respondent-State.

4. It is pertinent to note that the petitioner claims to be the owner of the land bearing Sy.No.68/9, measuring 16.04 acres, situated at Gundenahalli Village, Nelamangala Taluk, under a registered sale deed dated 09.10.2020 at Annexure-A. Thereafter, the petitioner submitted an application seeking conversion of the said land from agricultural to non-agricultural purpose, namely, for construction of a warehouse, under Section 95(2) of the Karnataka Land Revenue Act, 1964. Accordingly, respondent No.2, by Official Memorandum dated 31.03.2022 at Annexure-B, accepted the application submitted by the petitioner for conversion of the land for non-agricultural purposes.

5. It is the case of the petitioner that, as the petitioner could not proceed with the construction of the warehouse, and as such, the petitioner sought for restoration of the land to agricultural use and, consequently, sought rescission of the order of conversion dated 31.3.2022. However, respondent No.2, by the impugned Endorsement dated 22.09.2026 at Annexure-G, rejected the application on the ground that respondent No.2 had become *functus officio*.

6. Having considered the reasons assigned in the impugned endorsement at Annexure-G, it is to be noticed that the petitioner is seeking rescission of the order of conversion and that no third-party rights are involved in the matter. In this regard, having regard to Section 21 of the General Clauses Act, 1897, and the law declared by the Hon'ble Supreme Court in the

case of ***Orissa Administrative Tribunal Bar Association vs. Union of India and others*** reported in ***(2023) 18 SCC 1***, I am of the view that respondent No.2 has jurisdiction to rescind its own order, particularly when the applicant himself seeks alteration or rescission of the order of conversion and such rescission does not adversely affect the rights of any third party.

7. In that view of the matter, the impugned Endorsement dated 22.09.2026 at Annexure-G passed by respondent No.2-Deputy Commissioner is hereby set aside.

8. The matter is remitted to respondent No.2-Deputy Commissioner to reconsider the application submitted by the petitioner and to take an appropriate decision in accordance with law, keeping in view the observations made hereinabove, within an outer limit

of two months from the date of receipt of a certified copy of this order.

9. Accordingly, the writ petition is ***allowed***.

SD/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 34