**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 24TH DAY OF MAY, 2023

BEFORE

THE HON'BLE MR JUSTICE S.VISHWAJITH SHETTY

**WRIT PETITION NO. 101788 OF 2023 (KLR-CON)
C/W
WRIT PETITION NO. 101786 OF 2023**

IN WP NO. 101788 OF 2023 (KLR-CON):

BETWEEN:

1. RAMESH @ RAMACHANDRA DATTATREYA KULKARNI
@ PATIL, AGE: 64 YEARS,
OCC: AGRICULTURE & ADVOCATE,
R/O. SHRISHANKARA BARAKOTE, DHARWAD,
TQ & DIST: DHARWAD-580001.

2. SMT. KANTA W/O RAMESH @ RAMACHANDRA
KATTATREYA KULKARNI @ PATIL,
AGE: 60 YEARS, OCC: AGRI. & RETIRED EMPLOYEE,
R/O. SHRISHANKARA BARAKOTE, DHARWAD,
TQ & DIST: DHARWAD-580001.

3. LATA W/O CHIDAMBARA KULKARNI @ PATIL,
AGE: 64 YEARS, OCC: AGRICULTURE,
R/O. SHRISHANKARA BARAKOTE, DHARWAD,
TQ & DIST: DHARWAD-580001.

4. SACHIN S/O CHIDAMBARA KULKARNI @ PATIL,
AGE: 45 YEARS, OCC: AGRICULTURE & ADVOCATE,
R/O. SHRISHANKARA BARAKOTE, DHARWAD,
TQ & DIST: DHARWAD-580001.

PETITIONER NO. 2 BY HER GPA HOLDER
PETITIONER NO.1, PETITIONER NO.4 BY HIS GPA

RAKESH S HARIHAR

Digitally signed by RAKESH S HARIHAR
Location: High Court of Karnataka, Dharwad
Date: 2023.05.27 11:40:40 +0530

HOLDER PETITIONER NO.3.

… PETITIONERS

(BY SRI. NANDISH PATIL, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER, DHARWAD,
   TQ & DIST: DHARWAD-580001.

… RESPONDENT

(BY SRI. M H PATIL, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT IN THE NATURE OF MANDAMUS THE DIRECTING THE RESPONDENT TO ISSUE CHALLAN FOR ENABLING THE PETITIONERS DEPOSIT THE CONVERSION FEES INCOMPLIANCE OF THE DIRECTIONS ISSUED BY THIS HON'BLE COURT VIDE ANNEXURE-E, DATED 19.10.2022 IN THE INTEREST OF JUSTICE AND EQUITY.

IN WP NO. 101786 OF 2023 (KLR-CON):

BETWEEN:

1. RAMESH @ RAMACHANDRA DATTATREYA KULKARNI
   @ PATIL, AGE: 64 YEARS,
   OCC: AGRICULTURE & ADVOCATE,
   R/O. SHRISHANKARA BARAKOTE, DHARWAD,
   TQ & DIST: DHARWAD-580001.

2. LATA W/O CHIDAMBARA KULKARNI @ PATIL,
   AGE: 64 YEARS, OCC: AGRICULTURE & ADVOCATE,
   R/O. SHRISHANKARA BARAKOTE, DHARWAD,
   TQ & DIST: DHARWAD-580001.

3. SACHIN W/O CHIDAMBARA KULKARNI @ PATIL,
   AGE: 45 YEARS, OCC: AGRICULTURE & ADVOCATE,

R/O. SHRISHANKARA BARAKOTE, DHARWAD,
TQ & DIST: DHARWAD-580001.

4. SMITHA W/O SHYAMSUNDAR DESHPANDE,
AGE: 44 YEARS, OCC: AGRICULTURE,
R/O. SHRISHANKARA BARAKOTE, DHARWAD,
TQ & DIST: DHARWAD-580001.

PETITIONER NOS.3 AND 4 ARE REP. BY THEIR
GENERAL POWER OF ATTORNEY HOLDER
PETITIONER NO.2
LATA W/O CHIDAMBARA KULKARNI @ PATIL.

… PETITIONERS

(BY SRI. NANDISH PATIL, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER, DHARWAD,
TQ & DIST: DHARWAD-580001.

… RESPONDENT

(BY SRI. M H PATIL, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT IN THE NATURE OF MANDAMUS THE DIRECTING THE RESPONDENT TO ISSUE CHALLAN FOR ENABLING THE PETITIONERS DEPOSIT THE CONVERSION FEES INCOMPLIANCE OF THE DIRECTIONS ISSUED BY THIS HON'BLE COURT VIDE ANNEXURE-C DATED 19.10.2022 IN THE INEREREST OF JUSTICE AND EQUITY.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. The petitioners are before this Court with the prayer to issue writ of mandamus directing the respondent to consider challan enabling the petitioners to deposit conversion fees in compliance of the direction issued by this Hon'ble Court vide order passed in WP No.104120/2022 and in WP No.104083/2022.

2. Heard the learned counsel for the petitioners and the learned AGA for the respondent.

3. The petitioners had earlier approached this Court in the aforesaid two writ petitions which were allowed by this Court. In paragraph 6 of the order, this Court had observed as follows:

> *"6. In view of the law laid down by this Court in the aforesaid case, it is held that there is no requirement for the petitioners 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 purpose is not necessary in view of the proviso to Section 95(2) of the Act, subject to the condition that the petitioner pays the requisite fine under Section 95(70 of the Act."

4. Thereafter, the petitioners had filed representation on 19.10.2022 with the prayer to issue challan for enabling the petitioners to deposit conversion fees in compliance of the direction issued by this Court in the aforesaid writ petitions. In spite of such representation made by the petitioners, the respondent had not issued the challan to enable the petitioners to deposit conversion fees. It is under these circumstance the petitioners are before this Court.

5. Learned AGA appearing for the respondent submits that the representation made by the petitioners shall be considered and the challan will be issued to the petitioners to enable them to deposit conversion fees if some time is granted.

6. The said submission is placed on record.

7. Writ petition is accordingly disposed of directing the respondent to issue challan to enable the petitioners to deposit conversion fees in compliance of the direction issued by this Court in WP No.104120/2022 and WP No.104083/2022 which were disposed of on 19.10.2022.

8. The said exercise shall be done by the respondent expeditiously but not later than a period of four weeks from the date of receipt of certified copy of this order.

Sd/-
JUDGE

Kgk/Ct:Bck
List No.: 1 Sl No.: 61