IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 2ND DAY OF NOVEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 104776 OF 2023 (KLR-CON)

BETWEEN:

SHRI. M. THIRUPAL S/O. M. KARIYANNA,
AGE: 56 YEARS, OCC: AGRICULTURE & BUSINESS,
R/O. DOOR NO. 1, MAIN BAZAR,
GODEKOTA, OPP: POST OFFICE,
TQ. KUDLIGI-583135, DIST: VIJAYANAGAR,
REPRESENTED BY HIS,
GENERAL POWER OF ATTORNEY HOLDER,
SRI. K. NARAYANASWAMY S/O. K. SUBBANNA,
AGE: 57 YEARS, OCC: AGRICULTURE,
R/O. WARD NO. 22, JP NAGAR, HOSAPETE-583201,
TQ: HOSAPETE, DIST: VIJANAYAGAR.

…PETITIONER

(BY SRI. SHIVARAJ S. BALLOLI, ADVOCATE)

AND:

Digitally signed by MOHANKUMAR B SHELAR
MOHANKUMAR B SHELAR
Location: HIGH COURT OF KARNATAKA
Date: 15-11-2023 14:05:30

1. THE STATE OF KARNATAKA
   DEPARTMENT OF REVENUE,
   VIDHAN SOUDHA, BENGALURU-560001
   REPRESENTED BY ITS SECRETARY.

2. THE DEPUTY COMMISSIONER,
   HOSAPETE, TQ: HOSAPETE,
   DIST: VIJAYNAGAR-583201.

3. THE ASSISTANT COMMISSIONER, HOSAPETE,
   TQ: HOSAPETE, DIST: VIJAYNAGAR-583201.

4. THE TAHASHILDAR, HOSAPETE,
   HOSAPETE-583201, DIST: VIJAYNAGARA.

…RESPONDENTS

(BY SRI. SHIVAPRABHU S. HIREMATH, AGA FOR R1 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING THIS COURT TO, ISSUE A WRIT OF MANDAMUS DIRECTING THE 2ND RESPONDENT TO OFFICIALLY PASS AN ORDER OF CONVERSION OF THE LAND USER OF THE LAND BEARING RS NO.793/B/2 MEASURING 4 ACRES 37 GUNTA SITUATED AT GUDEKOTA, TQ: KUDLIGI, DIST: BALLARI AS PER THE APPLICATION DATED 02/06/2022 MADE BY THE PETITIONER VIDE ANNEXURE-F FROM AGRICULTURE TO NON-AGRICULTURAL INDUSTRIAL PURPOSE.

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

ORDER

1. The petition is filed seeking writ of mandamus against the second respondent to pass an order for conversion of petitioner's land bearing RS.No.793/B/2 measuring 4 acres 37 guntas situated at Gudekota, Taluk: Kudligi, District:Ballari. It is submitted that the application for conversion is filed on 02.06.2022 vide Annexure-F. Learned Government Advocate appearing for the respondents does not dispute the fact that the petitioner filed an application for conversion of his land. The petitioner's title to the property is not in dispute.

2. Learned Government Advocate on instructions would submit that the objection filed by D.Abdul Tawab saab

before the Deputy Commissioner objecting the conversion of the petition land is rejected in terms of the order dated 13.03.1999 passed by the Assistant Commissioner which was affirmed by Deputy Commissioner on 26.10.1999.

3. Learned Government Advocate would also submit that the statutory period within which the application has to be considered has expired,. In that event there is a deemed conversion of the petitioner's land.

4. Under these circumstances, the Writ Petition is ***allowed***, directing respondent No.2-Deputy Commissioner to pass a formal order of conversion of the land for non-agricultural use subject to the petitioner depositing requisite fees. If the petitioner has already deposited necessary fees, then the Deputy Commissioner shall issue the order of conversion in favour of the petitioner in respect of the petition land within 30 days from the receipt of the copy of the order.

Sd/-
JUDGE

GVP
List No.: 1 Sl No.: 32