IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 22ND DAY OF MAY, 2025

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.201336 OF 2025 (KLR-CON)

C/W

WRIT PETITION NO.201337 OF 2025 (KLR-CON)

AND

WRIT PETITION NO.201338 OF 2025 (KLR-CON)

IN WP NO.201336/2025:

BETWEEN:

SHAH FAISAL S/O LATE M. A. SATTAR,
AGED ABOUT 49 YEARS, OCC: AGRICULTURE,
R/O PLOT NO.1/398/PM/239, GOLCONDA AREA,
HYDERABAD, TELENGANA-500 008.

...PETITIONER

(BY SRI. VENKATESH C. MALLABADI, ADVOCATE)

Digitally signed by BASALINGAPPA SHIVARAJ DHUTTARGAON
Location: HIGH COURT OF KARNATAKA

AND:

THE DEPUTY COMMISSIONER, BIDAR,
BIDAR.

...RESPONDENT

(BY SRI MALLIKARJUN SAHUKAR, 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 DIRECTING THE RESPONDENT TO DECLARE THE LAND OF THE PETITIONER AS NON AGRICULTURAL IN PURSUANT TO THE APPLICATION FOR

CONVERSION FILED BY THE PETITIONER DATED 03.04.2025 IN AFFIDAVIT NO.983313 FOR LAND SURVEY NUMBER 12/*/1 MEASURING 3 ACRES 24 GUNTAS OF AGRICULTURE LAND SITUATED AT ALANKERI VILLAGE OF TALUKA AND DISTRICT BIDAR, THE COPY OF WHICH IS AT ANNEXURE-B.

IN WP NO.201337/2025:

BETWEEN:

SHAH FAISAL S/O LATE M. A. SATTAR,
AGED ABOUT 49 YEARS, OCC: AGRICULTURE,
R/O PLOT NO.1/398/PM/239, GOLCONDA AREA,
HYDERABAD, TELENGANA-500008.

…PETITIONER

(BY SRI VENKATESH C. MALLABADI, ADVOCATE)

AND:

THE DEPUTY COMMISSIONER, BIDAR,
BIDAR.

…RESPONDENT

(BY SRI MALLIKARJUN SAHUKAR, 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 DIRECTING THE RESPONDENT TO DECLARE THE LAND OF THE PETITIONER AS NON AGRICULTURAL IN PURSUANT TO THE APPLICATION FOR CONVERSION FILED BY THE PETITIONER DATED 02.04.2025 IN AFFIDAVIT NO.982952 FOR LAND SURVEY NUMBER 12/*/2 MEASURING 1 ACRES 10 GUNTAS OF AGRICULTURE LAND SITUATED AT ALANKERI VILLAGE OF TALUKA AND DISTRICT BIDAR, THE COPY OF WHICH IS AT ANNEXURE-B.

IN WP NO.201338/2025:

BETWEEN:

ARUN KUMAR S/O SHARANAPPA,
AGED ABOUT 45 YEARS, OCC: AGRICULTURE,
R/O PLOT NO.9-8-193 BASAVANAGAR,
BVB COLLAGE ROAD, BIDAR-585 403.

…PETITIONER

(BY SRI VENKATESH C. MALLABADI, ADVOCATE)

AND:

THE DEPUTY COMMISSIONER, BIDAR,
BIDAR-585 401.

…RESPONDENT

(BY SRI MALLIKARJUN SAHUKAR, AGA)

THIS WRIT IS PETITION FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT TO DECLARE THE LAND OF THE PETITIONER AS NON AGRICULTURAL IN PURSUANT TO THE APPLICATION FOR CONVERSION FILED BY THE PETITIONER DATED 01.04.2025 IN AFFIDAVIT NO.982887 FOR LAND SURVEY NUMBER 12/*/3 MEASURING 3 ACRES 23 GUNTAS OF AGRICULTURE LAND SITUATED AT ALANKERI VILLAGE OF TALUKA AND DISTRICT BIDAR, THE COPY OF WHICH IS AT ANNEXURE-B.

THESE PETITIONS COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

These three writ petitions are filed seeking a writ of mandamus directing the respondent i.e., the Deputy Commissioner, Bidar to declare the lands of the petitioners as non-agricultural in pursuance of the applications submitted by them along with affidavits.

2. Heard Sri Venkatesh C. Mallabadi, learned counsel for the writ petitioners as well as the learned Additional Government Advocate, who represents the respondent in all the three writ petitions.

3. Learned counsel for the writ petitioners submits that the petitioner in W.P.No.201336/2025 is the owner and possessor of agricultural land admeasuring 3 Acres 24 Guntas which is located in Sy.No.12/*/1, the petitioner in W.P.No.201337/2025 is the owner and possessor of the agricultural land admeasuring 1 Acre 10 Guntas in Sy.No.12/*/2 and the petitioner in W.P.No.201338/2025 is

the owner and possessor of the agricultural land admeasuring 3 Acres 23 Guntas in Sy. No.12/*/3 all located in Alankeri village of Bidar Taluk and District. All the petitioners filed applications more than one month back seeking for conversion of their lands to non-agriculture. However, respondent did not pass any orders till now.

4. Learned counsel for the writ petitioners, bringing to the notice of this Court, Section 95 of the Karnataka Land Revenue Act, 1964 submits that as per the said provision, lands of the petitioners are deemed to be converted to non-agricultural and therefore, necessary orders may be passed.

5. Learned Additional Government Advocate states that the applications filed by the petitioners are pending with the respondent i.e., the Deputy Commissioner, Bidar and they will be attended to.

6. Sub-section (ii) of Section 95 of the Karnataka Land Revenue Act as amended reads as under:

"(2) If any occupant of a land assessed or held for the purpose of agriculture wishes to divert such land or any part thereof to any other purpose, he shall submit an affidavit along with an application to the Deputy Commissioner in the manner as may be prescribed and if the diversion is sought,-

(i) In accordance with the use specified in the Master Plan duly published for the concerned land under the provisions of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), then the same shall be deemed to have been diverted subject to payment of prescribed fee under sub-section (7) and the Deputy Commissioner shall issue the order of approval accordingly within seven days from the date of receipt of the application:

Provided that, in case the Deputy Commissioner fails to give his decision and issue the order under this sub-section within fifteen days from the date of receipt of the application, the approval for diversion for use shall be deemed to have been granted by the Deputy Commissioner and the same shall be certified and issued, after

payment of fee prescribed under sub-section (7), in the manner as may be prescribed.

(ii) In case the Master Plan has not been published or the land is falling outside the local planning area, then the concerned authorities shall furnish their opinion within fifteen days from the date of receipt of the application. The Deputy Commissioner shall issue the approval for diversion for use as per the application, subject to the opinion furnished by the concerned authorities and subject to payment of the fee prescribed under sub-section (7):

Provided that, in case no opinion is furnished within the said period of fifteen days, it shall be deemed that the concerned authorities have no objection to the said diversion of land for use as per the application.

Provided further that, in case the Deputy Commissioner fails to give his decision and issue the order under this sub-section within thirty days from the date of receipt of the application, the approval for diversion for use shall be deemed to have been granted by the Deputy Commissioner and the same shall certified and issued in the

manner as may be prescribed subject to payment of fee prescribed under sub-section (7)."

7. The above provision makes it clear that in case the Deputy Commissioner fails to give his decision and issue an order within 15 days and 30 days in the circumstances provided therein from the date of receipt of the application, the approval for diversion for use shall deemed to have been granted and the same shall be certified and issued after payment of prescribed fee.

8. It is not in dispute that the petitioner in W.P.No.201336/2025 submitted his application on 03.04.2025, the petitioner in W.P.No.201337/2025 submitted his application on 02.04.2025 and the petitioner in W.P.No.201338/2025 submitted his application on 01.04.2025. Therefore, those applications should have been attended to by now. However, as submitted by learned Additional Government Advocate, those applications are still pending at the office of the Deputy Commissioner, Bidar i.e., the respondent herein. As those

applications are neither returned nor rejected till now, this Court is of the view that in the light of the mandate of law as discussed above, the approval for diversion for use is deemed to be granted by the respondent herein. Therefore, this Court considers desirable to dispose of all the writ petitions accordingly.

9. The respondent i.e., the Deputy Commissioner, Bidar is directed to certify and issue the order of conversion within two days of payment of fee prescribed under sub-section 7 of Section 95 of the Karnataka Land Revenue Act.

10. The respondent is directed to give due intimation to the petitioners within a week with regard to the fee they are liable to pay.

Sd/-
(Dr.CHILLAKUR SUMALATHA)
JUDGE

LG
List No.: 1 Sl No.: 27