



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH**

DATED THIS THE 30TH DAY OF MAY, 2023

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 202519 OF 2022 (KLR-CON)

BETWEEN:

...PETITIONER

(BY SRI. LIYAQAT FAREED USTAD., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
OFFICE OF DEPUTY COMMISSIONER,
BIDAR-585401.
2. ASSISTANT COMMISSIONER
BASAVAKALYAN-585327.
3. THE TAHSILDAR
TAHSILDAR OFFICE,
TQ. BASAVAKALYAN,
DIST. BIDAR-585327.

...RESPONDENTS

(BY SMT. MAYA T.R., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT RESPONDENT NOS.1 AND 3 TO CONSIDER THE REPRESENTATION DATED 15.11.2021, 16.11.2021, 13.09.2022 AND 16.09.2022 GIVEN BY THE PETITIONER VIDE ANNEXURES-K, L, M & N AND TO PASS APPROPRIATE ORDERS IN ACCORDANCE WITH LAW AND ETC.

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



ORDER

1. Learned High Court Government Pleader accepts notice for respondent Nos.1 to 3.
2. The petitioner is before this Court seeking for the following reliefs:
 - a. *"Issue a writ of Mandamus and thereby direct the respondent Nos.1 and 3 to consider the representations dated 15.11.2021, 16.11.2021, 13.09.2022 and 16.09.2022 given by the petitioner vide Annexures-K, L, M and N and to pass appropriate orders in accordance with law.*
 - b. *Pass any other order or directions under the facts and circumstances of the case as this Hon'ble Courts deems fit in the interest of justice."*
3. Petitioner is the owner in possession of land bearing Sy.No.5/2 measuring 27 guntas and 5/8 measuring 27 guntas situated at Kahanapur K village, Basavakalyan Taluk, Bidar District. The petitioner had filed an application under Section 95(2) of the Karnataka Land Revenue Act, 1964 (for short, hereinafter referred to as 'the Act') seeking for conversion of the said land from agricultural to non-agricultural residential purpose on 11.12.2020 which



is provided with application ID Nos.200103 and 200109. Thereafter, an objection had been raised by the Revenue Inspector that there was loan on the said property. In pursuance of which, the petitioner repaid the said loan and a re-conveyance deed came to be executed on 06.08.2022. Subsequent thereto, the petitioner gave several representations for consideration of the application for conversion since there was no other impediment for such conversion vide representations dated 15.11.2021, 16.11.2021, 13.09.2022 and 16.09.2022 at Annexures-K to N respectively. Despite which, no action has been taken by the respondents. It is in that background, the petitioner is before this Court seeking for the aforesaid reliefs.

4. It is not in dispute that the petitioner has repaid the loan and a re-conveyance deed has been executed in favour of the petitioner thus, removing the objection raised by the Revenue Inspector for conversion.



Once the same had been done and this fact informed to the respondents, it was for the respondents to have acted on the same and processed the application of the petitioner in terms of Section 95 of the Act.

5. In terms of sub-section (5) of Section 95 of the Act, if the Deputy Commissioner fails to inform the applicant of the decision within a period of four months from the date of receipt of the application, the permission applied for is deemed to have been granted. I am of the considered opinion that sub-section (5) of Section 95 of the Act would also apply once compliance with any of the objection raised has been completed by the applicant thus, giving a time period of four months for the Deputy Commissioner to raise any further objections for the conversion. No such objection having been raised after the earlier objection had been complied with by the petitioner, sub-section (5) of Section 95 of the Act



would come into play. Thus, bringing about a deeming fiction in respect of the conversion of the land on account of the application not being processed within the said period.

6. This is not a stray case which is coming up before this Court. This Court has come across several matters where the applications which had been filed for conversion have not been acted upon by the concerned authority resulting in unnecessary litigation being filed before this Court. Therefore, I deem it fit and proper to direct the Principal Secretary, Revenue Department, to institute a mechanism of capturing the applications which are filed under Section 95 of the Act along with the date of the said application and the time taken for disposal thereof indicating also the date on which the deemed conversion comes into effect in terms of sub-section (5) of Section 95 of the Act unless objection is raised thereon, these details shall be web



hosted on the website of the concerned Deputy Commissioner.

7. In the present case, I pass the following:

ORDER

- i. The Writ Petition is allowed.
- ii. A mandamus is issued, directing respondent Nos.1 to 3 to collect the conversion fine along with penalty from the petitioner and issue a formal conversion order since there is already a deemed conversion effected in respect of the land of the petitioner within a period of six weeks from the date of receipt of a copy of this order.
- iii. Though the above Writ Petition is disposed of, for reporting compliance, re-list on 04.07.2023 at 2.30 pm.

**Sd/-
JUDGE**

NB
List No.: 1 Sl No.: 23