



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

**DATED THIS THE 27<sup>TH</sup> DAY OF MARCH, 2026**

**PRESENT**

**THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE**

**AND**

**THE HON'BLE MRS JUSTICE GEETHA K.B.**

**WRIT APPEAL NO.100222 OF 2025 (KLR-RR/SUR)**

**BETWEEN:**

1. THE STATE OF KARNATAKA,  
R/BY SECRETARY, DEPARTMENT OF SURVEY  
SETTLEMENT AND LAND RECORDS,  
REVENUE BUILDING, K.R. CIRCLE,  
NUNEGUNDLAPALLI, AMBEDKAR VEEDHI,  
BENGALURU, KARNATAKA -560001.
2. THE DEPUTY COMMISSIONER,  
BELAGAVI, COURT COMPOUND,  
BELAGAVI-590001.
3. THE TAHASILDAR AND TALUK EXECUTIVE  
MAGISTRATE, BELAGAVI-OLD CITY  
CORPORATION OFFICE, SWAMI VIVEKANAND  
MARG, RISALDAR GALLI, BELAGAVI,  
KARNATAKA-590001.
4. THE DEPUTY DIRECTOR OF LAND RECORD,  
BELAGAVI, DC COMPOUND,  
BELAGAVI -590001.
5. THE ASSISTANT DIRECTOR OF LAND RECORDS,  
BELAGAVI AND CITY SURVEY,  
DC COMPOUND, BELAGAVI-590001.



6. THE CITY SURVEY OFFICER,  
THE ASSISTANT DIRECTOR OF LAND RECORD,  
BELAGAVI AND CITY SURVEY,  
DC COMPOUND, BELAGAVI-590001.

...APPELLANTS

(BY SRI. GANGADHAR J.M., ADDL. ADVOCATE GENERAL FOR  
SRI. SHARAD V.MAGADUM, ADDL. GOVT. ADVOCATE)

**AND:**

NITAY S/O. GOPAL BABSHET,  
PLOT NO.110, SHANTI NAGAR,  
TILAKWADI, BELAGAVI-590006.

...RESPONDENT

(BY SRI. VITTAL S.TELI, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO (A) ALLOW THE WRIT APPEAL AND SET ASIDE THE ORDER DATED 19-12-2023 IN W.P.NO.107757/2023 PASSED BY THE LEARNED SINGLE JUDGE IN THE INTEREST OF JUSTICE AND EQUITY. (B) GRANT SUCH OTHER RELIEFS WITHIN HON'BLE COURT DEEM FIT THE FACTS AND CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE  
AND  
THE HON'BLE MRS JUSTICE GEETHA K.B.



**ORAL JUDGMENT**

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. For the reasons stated in the application, I.A.No.3/2025, the same is allowed, and the delay of 71 days in filing the appeal is condoned.

2. The appellants [**State**] have filed the present appeal impugning an order dated 19.12.2023 [**impugned order**] passed by the learned Single Judge in W.P.No.107757/2023 (KLR-RR/SUR). The said writ petition was disposed of, *inter alia*, with the following observations:

“The land bearing R.S.No.120/1 measuring 33 guntas and R.S.No.120/3 measuring 1 acre 5 guntas of Belagavi should be deemed to be non-agricultural land and a direction is issued to respondents No.5 and 6 to make necessary entries in the property records pertaining to the said lands as required under the provisions of the Karnataka Land Revenue Rules. The petitioner’s name shall be entered in the said records within an outer limit of 8 months from the date of receipt of copy of this order.”

3. The State takes exception to the proposition that all lands which fall within the municipal limits are necessarily deemed to be non-agricultural lands.



4. We note that the impugned order does not contain any specific reason in support of the said proposition; it is premised on the basis that the issues involved are covered by the judgment of this court in W.P.No.103775/2023 (KLR-RES). A copy of the said judgment is produced on record, and the same indicates that it too is based on the earlier decisions of this Court in **Sri Devaraj S/o Bhimappa Kambali Vs. State of Karnataka and another<sup>1</sup>** and **Sri Annappa Nagappa Vernekar and another Vs. Deputy Director of Lands, Belagavi and another<sup>2</sup>**.

5. These orders have been placed on record. The order dated 04.03.2021 passed in **Sri Devaraj S/o Bhimappa Kambali vs State of Karnataka<sup>3</sup>**, indicates that the same is premised on the decision of this Court in Sri Annappa Nagappa Vernekar, which was disposed of by an order dated 21.02.2018. The court also noted that the said decision was confirmed by the Division Bench of this court in W.A.No.100124/2018 (GM-RES). Further, the Supreme Court had confirmed the said order in an appeal preferred against the said judgment.

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<sup>1</sup> W.P.No.148065/2020

<sup>2</sup> W.P.No.105093/2021

<sup>3</sup> W.P.No.148065/2020 (KLR-CON)



6. After noting the said decision, this court observed as under:

“In view of the law laid down by this Court in the aforesaid case, there is no requirement for the petitioner 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 Urban Development Authority. Therefore, the requirement of seeking permission to divert the land in question for the residential purposes is not necessary. With this observation, the writ petition stands allowed.”

7. There is no cavil that once the land falls within the municipal limits of an Urban Development Authority, there is no requirement to seek diversion of the said land for the purposes specified under the master plan. This is altogether different from stating that once agricultural land falls within the municipal limits, no permission is required to divert it for residential purposes.

8. As rightly pointed by the learned Additional Advocate General for the appellants that once the lands are included within the master plan published under the Karnataka Town and Country Planning Act, 1961, there is no permission required under Section 95 of the Karnataka Land Revenue Act, 1964 to divert the said land in accordance with the purpose of the land as specified in the master plan.



9. In view of the above, the proposition said out in the impugned order – that once the land falls under the master plan, no permission is required to divert the same for non-agricultural purposes – is erroneous.

10. In the present case, it is pointed out that the subject land measuring 33 guntas comprising in Sy.No.120/1, and 1 acre 5 guntas comprising in Sy.No.120/3 fall within the limits of the City Municipal Corporation, Belagavi. The said land has not been classified for residential purposes, but is reflected as unclassified land. The appellants produced an extract from the concerned plan establishing the same.

11. Learned counsel appearing for the respondent seeks to dispute the same and reserves the liberty to challenge the classification of the subject land as “unclassified land”. He also states that, notwithstanding the nature of the land, the records maintained by the municipal authorities must record that the subject land belongs to the respondent.

12. In this view, we set aside the impugned order. However, grant liberty to the respondent to file a fresh writ petition, in the event that



he seeks to pursue any other relief, including raising the challenge to the classification of the subject land.

13. The present appeal is disposed of in the aforesaid terms.

14. Pending applications, if any, stands disposed of.

**Sd/-  
(VIBHU BAKHRU)  
CHIEF JUSTICE**

**Sd/-  
(GEETHA K.B.)  
JUDGE**

MBS  
CT: UMD  
List No.: 1 SI No.: 20