



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**  
**DATED THIS THE 2<sup>ND</sup> DAY OF FEBRUARY 2026**  
**BEFORE**  
**THE HON'BLE MRS JUSTICE K.S.HEMALEKHA**  
**WRIT PETITION NO. 109823 OF 2025 (LA-UDA)**

**BETWEEN:**

1. SMT. MADHAVI  
W/O. YUVARAJ CHAVAN PATIL,  
AGE: 39 YEARS,  
OCC: AGRICULTURE AND BUSINESS,  
R/O. 275/B, PATIL GALLI,  
VADAGAON-590005,  
BELAGAVI.
2. SMT. POOJA  
W/O. JAGANNATH PATIL,  
AGE: 37 YEARS,  
OCC: AGRICULTURE AND BUSINESS,  
R/O. 275/B, PATIL GALLI,  
VADAGAON-590005,  
BELAGAVI.

...PETITIONERS

(BY SRI. SANTOSH B. RAHUT, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
SECRETARY DEPARTMENT OF  
URBAN DEVELOPMENT,  
M.S. BUILDING,  
DR. AMBEDKAR VEEDI,  
BENGALURU-560001.





2. THE DEPUTY COMMISSIONER  
D.C.COMPOUND,  
BELAGAVI DISTRICT,  
BELAGAVI-590001.
3. BELAGAVI URBAN DEVELOPMENT AUTHORITY,  
BELAGAVI, REPRESENTED BY IT'S  
COMMISSIONER, ASHOK NAGAR,  
BELAGAVI-590001.

...RESPONDENTS

(BY SRI. PRAVEEN K.UPPAR, AGA FOR R1 AND R2;  
SRI. GURUDEV GACHCHINMATH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT QUASHING THE NOTIFICATION DATED 12/04/2007 PUBLISHED IN OFFICIAL GAZETTE ON 19/04/2007 ISSUED BY 2<sup>ND</sup> RESPONDENT VIDE ANNEXURE-E BEARING NO. BENAPRA/BHUSWA/YO-62/2005-06, SO FAR THE LAND BEARING R.S.NO.150/15 MEASURING 03-GUNTHAS AND R.S.NO.150/3, MEASURING 03-GUNTHAS, SITUATED AT ANGOL TAL AND DIST: BELAGAVI; ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT QUASHING THE ENDORSEMENT ORDERS ISSUED BY THE RESPONDENT NO.2 DATED 26/09/2024 IN RESPECT OF THE LAND BEARING R.S.NO.150/15 AND 150/3 OF ANAGOL BELAGAVI, VIDE ANNEXURE-C AND D RESPECTIVELY AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA



**ORAL ORDER**

Petitioners have approached this Court seeking for the following reliefs;

- "a) *Issue a writ of certiorari or any other writ quashing the notification dated: 12/04/2007 published in official gazette on 19/04/2007 issued by 2<sup>nd</sup> respondent vide ANNEXURE-E bearing No.ಬೆನಪ್ರಾ/ಭೂಸ್ವಾ/ಯೋ-62/2005-06, so far the land bearing R.S.No. 150/15 measuring 03-gunthas and R.S.NO.150/3, measuring 03-gunthas, situated at Angol Tal & Dist: Belagavi.*
- b) *Issue a writ of certiorari or any other writ quashing the endorsement orders issued by the respondent No.2 dated: 26/09/2024 in respect of the land bearing R.S.NO.150/15 and 150/3 of Anagol Belagavi, vide ANNEXURE-C & D respectively.*
- c) *Issue a writ in the nature of Mandamus or direction directing the Respondent No.2 to issue deemed conversion order in respect of the land bearing R.S.NO. 150/15, measuring 3-guntha and R.S.No. 150/3, measuring 03-*



*gunthas, both situated at Angol Village, Tal & Dist: Belagavi, which fall within the limits of Corporation of the City of Belagavi and which are designated for residential purpose in the Master Plan [Revised-II] of Belagavi, approved by the Respondent No.1 vide order No. UDD/83/BeMapra/2013 dated: 15/02/2014.*

*d) Issue any other writ or direction as this Hon'ble Court deems fit, in the interest of justice and equity."*

2. Petitioners claim to be the absolute and joint owners in actual possession of RS No.150/15 measuring 3 guntas and RS No.150/3 measuring 3 guntas situated at Angol village, Belagavi District.

3. A preliminary notification dated 12.04.2007 was issued proposing acquisition of lands. However, no further steps were taken thereafter, no final notification was issued, nor were the land utilized for the public purposes. Subsequently, the petitioners in order to construct a residential building over the said land, had sought for conversion of the land into non-agricultural (residential)



use. The application was rejected vide endorsement dated 26.09.2024, on the ground that the lands were covered under the earlier notification.

4. Learned counsel for the petitioners submits that though a preliminary notification was issued in the year 2007, no final notification or further acquisition proceedings were initiated. Learned counsel for the petitioners submits that the lands have not been utilized for any public purpose and submits that the issue involved in this writ petition is squarely covered by the decision of the Co-ordinate Bench of this Court in the case of **Maruti Rao S/o. Somnath Motankar Vs. State of Karnataka and Others**<sup>1</sup> (Maruti Rao) and in the case of **Madhavi Sandeep Bagawadmath and Another Vs. State of Karnataka and Another**<sup>2</sup> (Madhavi), wherein similar notification was quashed for want of further action. It is submitted that continued subsistence of such stale notification violates Article 300-A

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<sup>1</sup> WP No.106385/2024 D.D.20.11.2024

<sup>2</sup> WP No.105513/2023 D.D.25.09.2023



of the Constitution of India and rejection of conversion application solely on the basis of such notification is unsustainable.

5. Learned Additional Government Advocate for respondents-State fairly submits that pursuant to the notification in the year 2007, no further steps were taken and the lands of the petitioners have not been utilised for the notified public purpose.

6. It is undisputed that:

- i. The preliminary notification was issued in the year 2007;
- ii. No final notification has been issued thereafter.
- iii. No further acquisition proceedings were pursued.
- iv. The lands have not been utilized for any public purpose.



In view of the settled proposition of law, when no further proceedings were initiated pursuant to a preliminary notification for a prolonged period, such proceedings cannot kept alive indefinitely to the detriment of land owners and the deprivation of the property without authority of law violates Article 300-A of the Constitution of India.

7. The Co-ordinate Bench of this Court in ***Maruti Rao*** and ***Madhavi***'s case, wherein similar notifications were quashed on identical facts and the respondents do not dispute that the petitioners are similarly placed, the preliminary notification insofar as it pertains to the petitioners land, cannot be sustained and consequently, the endorsement dated 26.09.2024 rejecting conversion is also unsustainable in law. Accordingly, this Court pass the following:

**ORDER**

- i) The writ petition is ***allowed***.



- ii) The preliminary notification dated 12.04.2007 (published in official Gazette on 19.04.2007) by respondent No.2 insofar as it pertains to RS No.150/15 measuring 3 guntas and RS No.150/3 measuring 3 guntas situated at Angol village, Belagavi District, is hereby ***quashed***.
- iii) The endorsement dated 26.09.2024 issued by respondent No.2 vide Annexures-C and D are hereby ***quashed***.
- iv) A mandamus is issued directing respondent No.2 to consider the petitioners' application for conversion and to ascertain whether the lands fall within the limits of Corporation of the City of Belagavi and whether they are



entitled for deemed conversion under  
Section 95(1)(2)(5) of the Karnataka  
Land Revenue Act, 1964.

- v) The said exercise shall be completed  
within a period of two (2) weeks from  
the date of receipt of a certified copy of  
this order.

**Sd/-  
JUSTICE K.S.HEMALEKHA**