



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 6TH DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

WRIT PETITION NO. 110067 OF 2025 (KLR-CON)

BETWEEN:

SHRI. RAMACHANDRA S/O. VITHAL PAI
AGE: 63 YEARS, OCC: BUSINESS,
R/O. KELAGINA PALYA, HONAVAR-581334,
TQ: HONAVAR, DIST: UTTAR KANNADA.

...PETITIONER

(BY SRI. A.S.PATIL AND
SRI. SUHAS K.HOSAMANI, ADVOCATES)

AND:

1. THE DEPUTY COMMISSIONER
UTTARA KANNADA DISTRICT,
KARWAR-581301, TQ: KARWAR,
DIST: UTTARA KANNADA.
2. THE ASSISTANT COMMISSIONER
BHATKAL SUB-DIVISION,
BHATKAL-581320, TQ: BHATKAL,
DIST: UTTARA KANNADA.
3. THE TAHASILDAR
HONAVAR TALUK, HONAVAR-581334,
TQ: HONAVAR, DIST: UTARA KANNADA.





4. THE CHIEF OFFICER
TOWN PANCHAYAT HONAVAR,
HONAVAR-581334,
TQ: HONAVAR,
DIST: UTTARA KANNADA.
5. SHRI. DEVIDAS S/O. LAXMAN PAI
AGE: 67 YEARS,
OCC: BUSINESS,
KAMAKSHI STEEL CENTRE,
MAIN BAZAAR ROAD, HONAVAR-581334,
TQ: HONAVAR, DIST: UTTARA KANNADA.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA FOR R1 TO R3;
SRI. A.P.HEGDE, JANMANE, ADVOCATE FOR R4;
SRI. SURESH S.BHAT, ADVOCATE FOR C/R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION QUASHING THE IMPUGNED ORDER DATED 04.10.2025 PASSED BY THE RESPONDENT NO.1 IN NO. BINSKETKI/ITARE/VIVA/E-99228/2025-26 AS PER ANNEXURE-Q AND ETC.

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

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



ORAL ORDER

The petitioner has approached this Court calling in question the order dated 04.10.2025, passed by the Deputy Commissioner, Uttara Kannada District, whereby, the order of conversion dated 05.05.1985 granted in respect of the land bearing Survey No.527/A/A8, Honnavar Town, Uttara Kannada District measuring 4 guntas 8 annas, converting the land from agricultural to non-agricultural/commercial purpose has been cancelled after lapse of nearly 38 years.

Brief facts:

2. The land in question was originally agricultural land, upon an application made by the petitioner's predecessors in interest, the competent authority accorded permission for conversion on 05.05.1985, permitting use of the land for non-agricultural/commercial purposes. Pursuant thereto, the petitioner has been in lawful possession and enjoyment of the property and has put up construction after obtaining necessary permission from the competent local authorities. Respondent No.5, who is an adjoining land



owner, has been in long standing civil litigation with the petitioner and his predecessor in interest. The dispute pertained primarily to alleged encroachment, right of pathway and interference with possession and has been litigating with the petitioner for several decades. Multiple civil suits and appeals instituted by respondent No.5 either ended in dismissal or compromise. None of them resulted in setting aside the petitioner's title or possession. During pendency of the Civil litigation, respondent No.5 repeatedly lodged complaints before Revenue and Municipal Authorities, alleging encroachment and violation of conversion conditions.

3. Acting on such complaints, respondent No.1 initiated proceedings. Ultimately passed the impugned order dated 04.10.2025 canceling the conversion order of 1985. Aggrieved by the said order, the petitioner has approached this Court.



4. Learned counsel for the petitioner submits that the Deputy Commissioner has no statutory power to review or cancel a conversion order passed nearly four decades earlier, particularly when no fraud or misrepresentation is attributable to the petitioner. It is urged that the impugned order is vitiated by gross delay, arbitrariness and lack of jurisdiction and that the settled rights cannot be unsettled after such an inordinate lapse of time. It is contended that the authority has ignored binding findings of the civil Courts, survey records, spot inspection reports and ,municipal communications, all of which demonstrate that the petitioner has not violated any condition of conversion or building permission. It is further contended that the proceedings are a colourable exercise of power initiated solely at the behest of respondent No.5 to harass the petitioner and to reopen disputes already concluded before civil Courts.



5. Learned AGA appearing for respondent Nos.1 to 3 seek to justify the impugned order, contending that the Deputy Commissioner is empowered to act in order to protect public interest and Government land, and the authority had relied upon the inspection report while passing the order. It is submitted that if violation of conditions of conversion are noticed, the authority is entitled to take corrective action.

6. Learned counsel for respondent No.5 supports the impugned order and submits that the petitioner has constructed beyond the converted portion, encroached upon the public road/drainage and misused the conversion order granted in the year 1985. It is contended that repeated complaints were made only to protect public interest and the authority was justified in canceling the conversion order.



7. This Court has carefully considered the rival submissions and perused the material and record. The point that arises for consideration is:

"Whether the Deputy Commissioner had jurisdiction and authority in law to cancel the conversion order granted in the year 1985 after a lapse of nearly 38 years without there being any violation or misuse of the conversion order?"

8. It is not in dispute that the conversion order was granted in the year 1985 and that the same remained in force for nearly four decades. During the entire period, the conversion order was never questioned by the authorities on any statutory ground. The impugned order passed by the Deputy Commissioner does not disclose any statutory provision empowering the Deputy Commissioner to review or cancel a conversion order, after such an inordinate lapse of time. Administrative orders conferring rights, once acted upon and allowed to attain finality, cannot be unsettled except in accordance with law.



9. A perusal of the record clearly shows that the authority has ignored the survey reports, spot inspection reports, and the municipal communications, which indicate that there is no encroachment, no obstruction of road or drainage, and no violation of conversion conditions. The authority has also failed to note that respondent No.5, who is an adjoining land owner, instituted a civil suit against the petitioner and predecessor in title, the dispute between the petitioner and respondent No.5 was purely civil in nature, revolving around the allegations of encroachment, pathway and possession.

10. The civil proceedings namely O.S.No.44/1988, O.S.No.37/2002 and O.S.No.14/2014 consistently did not result in any finding that the petitioner had encroached upon the property of respondent No.5 or violated any legally enforceable right. The impugned order, therefore indirectly seeks to achieve what respondent No.5 failed to secure before the civil Court, which is legally impermissible. The authority has failed to take note of the fact that the



disputes between the petitioner and the respondent No.5 have been a subject matter of several civil proceedings and none of those proceedings have resulted in any finding against the petitioner's title or possession. The impugned order in substance seeks to adjudicate disputed questions of facts, and private rights, which squarely fall within the domain of civil Court and not within the limited administrative jurisdiction of the Deputy Commissioner.

11. The sequence of events unmistakably demonstrates shows that the proceedings were initiated at the instance of respondent No.5 and the impugned order is nothing but a colourable exercise of power to reopen settled civil dispute under the guise of civil revenue administration. This Court is therefore of the considered view that the impugned order is arbitrary without jurisdiction contrary to the settled principles of law and suffers from serious legal infirmities warranting interference.



12. Accordingly, the point framed for consideration is answered and for the foregoing reasons, this Court pass the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. The order dated 04.10.2025 passed by respondent No.1-Deputy Commissioner, Uttara Kannada canceling the conversion order dated 05.05.1985 is hereby ***quashed***.
- iii. The conversion order dated 05.05.1985 stands ***restored***.

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

AT
Ct:VH
List No.: 1 Sl No.: 26