

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

DATED THIS THE 22ND DAY OF APRIL 2015

BEFORE

THE HON'BLE MR.JUSTICE B.MANO HAR

W.P.NO.100502/2015(LB-RES)

BETWEEN:

RANGANATH S/O. ASHOKSA MEHERWADE
AGED ABOUT 35 YEARS
OCC:AGRICULTURE
R/O.IST MAIN, IST CROSS,
DESHPANDE NAGAR
HUBLI, TQ. HUBLI
DIST. DHARWAD.

... PETITIONER

(BY SRI.VEERESH R.BUDIHAL, ADV)

AND:

1.THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
TO URBAN DEVELOPMENT
DEPARTMENT, M.S.BUILDING
VIDHANA VEEDHI
BANGALORE-1.

2.THE COMMISSIONER
HUBLI DHARWAD URBAN DEVELOPMENT

AUTHORITY, NAVNAGAR, HUBLI
TQ.HUBLI, DIST. DHARWAD.

... RESPONDENTS

(BY SMT.K.VIDYAVATHI, AGA FOR R1,
SRI.G.I.GACHCHINAMATH, ADV FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA
PRAYING TO QUASH THE IMPUGNED CIRCULAR
DATED 18-06-2014 PRODUCED AS ANNEXURE-F,
ORDER DATED 08-07-2014 PRODUCED AS ANNEXURE-
G, BOTH ISSUED BY THE RESPONDENT NO.1 AND
ALSO THE IMPUGNED ENDORSEMENT DATED
15-10-2014, PRODUCED AS ANNEXURE-H ISSUED BY
THE RESPONDENT NO.2 BY ISSUE OF WRIT OF
CERTIORARI AND ETC.

THIS WRIT PETITION IS COMING ON FOR
ORDERS THIS DAY, THE COURT MADE THE
FOLLOWING:

O R D E R

Petitioner in this writ petition has sought for quashing the
impugned circular dated 18-06-2014 produced as Annexure-F,
order dated 08-07-2014 produced as Annexure-G, both issued by

Respondent No.1 and also the impugned endorsement dated 15-10-2014 produced as Annexure-H issued by Respondent No.2 by issuing writ of certiorari.

2. Petitioner in this writ petition had made an application for change of land use in respect of the land bearing Sy.No.527/1+2A/3 situated at Unkal village, Hubli Taluk from public and semi-public to residential purpose. The petitioner contended that in Comprehensive Development Plan (CDP), this property falls under public or semi-public area. In view of that, he made an application invoking Section 69(2) of the Karnataka Town and Country Planning Act (hereinafter referred to as 'the Act' for short) for change of land use. The second respondent issued a notification dated 15-10-2014 and as per the said notification, the petitioner had taken out the paper publication calling for objections from the general public for change of land use in the aforesaid land, however, there was no objections from the general public. Despite the same, the second respondent has not considered the application of the petitioner for change of land

use under Section 69(2) of the Act. Hence, the petitioner has filed this writ petition seeking for quashing the Circular dated 18-06-2014, the order dated 08-07-2014 and the notification dated 15-10-2014 issued by the second respondent.

3. Sri.G.I.Gachchinamath, learned counsel appearing for the second respondent contended that in pursuance of the paper publication taken out by the petitioner, the Hubli Dharwad Urban Development Authority had already considered the case and sent recommendation to the State Government and the State Government has to pass necessary orders. Hence, the petitioner has to approach the State Government for change of land use and sought for dismissal of the writ petition.

4. Learned Additional Government Advocate, appearing for the first respondent submits that she has no instructions from the State Government whether they have received any recommendation made by the Hubli Dharwad Urban

Development Authority or not and no document has been placed before the court.

5. I have carefully considered the arguments addressed by the learned counsel for the parties and perused the relevant records.

6. The records clearly disclose that the petitioner made an application for change of land use under Section 69(2) of the Act. As per the instructions issued by the second respondent, paper publication was taken out regarding change of the land use, calling for objections from the general public. However, nobody had filed objections for change of the land use. Thereafter, no steps have been taken by the respondents. However, Mr. Gachchinamanth learned counsel appearing for the second respondent submits that they had already made a recommendation to the State Government. If that is so, it is open for the petitioner to approach the appropriate authority for speedy disposal of her application.

7. With the above observations, the writ petition is disposed of.

**SD/-
JUDGE**

mpk/-*