

IN THE HIGH COURT OF KARNATAKA  
GULBARGA BENCH

DATED THIS THE 28<sup>TH</sup> DAY OF NOVEMBER, 2014

BEFORE

THE HON'BLE MR. JUSTICE ASHOK B. HINCHIGERI

**WRIT PETITION No.202419/2014 (KLR-CON)**

**BETWEEN:**

Sri Ramappa @ Ramesh  
S/o Basappa Nucchi,  
Aged about 45 years,  
R/o Ibrahimpur Pet,  
Near Maragamma Temple,  
Bijapur.

...Petitioner

(By Smt. Shailaja C.D, Advocate for  
Smt. Ratha N. Shivayogimath, Advocate)

**AND:**

1. The State of Karnataka  
Rep. by its Secretary,  
Department of Urban Development,  
M.S. Building, Ambedkar Veedhi,  
Bangalore – 1.
2. The Commissioner  
Bijapur Urban Development Authority,  
Bijapur - 586101.

...Respondents

(By Sri Shivakumar Tengli, AGA for R1,  
Sri S.S. Halalli, Advocate for R2)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India, praying to issue a writ, or order, writ in nature of certiorari, quashing the impugned endorsement dated 12.11.2013 in No.NAPRAVI/BHUBA/2013-14/412 vide Annexure-C and etc.

This petition coming on for orders this day, the Court made the following:

### **ORDER**

The petitioner has challenged the endorsement dated 12.11.2013 (Annexure-C) issued by the second respondent and further sought the mandamus to consider his request for the change of use of the land measuring 4 acres at Sy.No.46/5 of Kasaba village, Bijapur.

2. Sri S.S.Halalli, learned counsel for the respondent No.2 fairly submits, on instructions, that the impugned order is not sustainable in view of decision in the cases of ***Smt. Lata vs. State of Karnataka and another*** in W.P.No.67591/2010 disposed of on 03.01.2011 and ***Girappa vs. State of Karnataka and another*** in W.P.Nos.102763-764/2013 disposed of on 20.02.2014.

He requests the Court to permit the second respondent to withdraw the impugned order and to reconsider the case of the petitioner in accordance with law.

3. In the wake of the fair submission made and undertaking given on behalf of the second respondent, nothing survives for consideration of this petition. Recording the fair submission made and the undertaking given, I dispose of this petition with a direction to the second respondent to submit the proposal to the Government for its previous approval for the change of land use, forthwith. The State Government shall, within two months from the date of the receipt of the proposal from the second respondent, take a decision in the matter of the change of land use sought. Depending on the Government's approval or otherwise, the second respondent shall communicate the order on the petitioner's application for the change of land use within

two weeks from the date of receiving the intimation from the Government.

**Sd/-  
JUDGE**

swk