

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

DATED THIS THE 30TH DAY OF SEPTEMBER, 2020

BEFORE

THE HON'BLE MR.JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NOS.103349-103350/2018 (KLR-RES)

Between:

Suvan Steels Pvt. Ltd.,
A Company registered under
The Companies Act, 1956,
Having its Registered Office at
No.4-1-970, C-309, 3rd Floor,
Upasana Building, Ahuja Estate,
Abids Road, Hyderabad-560001,
Rep. by its Managing Director.

...Petitioner

(Smt. V.Vidya, Advocate for Petitioner)

And:

1. State of Karnataka,
Department of Revenue,
Rep. by its Principal Secretary,
Vikas Soudha, Bengaluru-560001.
2. The Regional Commissioner,
Kalburgi Sub-Division,
Kalburgi-585103.
3. The Deputy Commissioner,
Ballari District, Ballari.

4. The Tahsildar,
Ballari Taluk,
Ballari District-583101.

...Respondents

(Smt. K.Vidyavati, AAG for
Ms. Seema Shiva Naik, HCGP for respondents)

These writ petitions are filed under Articles 226 & 227 of the Constitution of India, praying to (i) quash the impugned communication sent by respondent No.3 to the petitioner company in No.Kum:Bhu:Su:01.2005:06, dated 19.03.2018 found at Annexure-P, etc.,

These petitions coming on for further hearing, having been heard and reserved for Judgment, this day, the Court made the following:

ORDER

1. The Petitioner is before this Court seeking for
 - 1.1. Certiorari quashing the communication sent by respondent No.3 – Deputy Commissioner to the Petitioner bearing No.Kum:Bhu:Su:01:2005:06, dated 19.03.2018 produced at Annexure-P and
 - 1.2. Consequentially a mandamus directing the respondent No.3 to pass an order of

conversion in respect of the land bearing Survey No.42 to the extent of 27.31 acres, situate at Belagal village, Ballari Taluk, Bellari has sought for by the Petitioner in an application submitted by the petitioner company to the respondent No.4 on 21.06.2008 at Annexure-D.

2. The facts giving rise to the above petition are that,

2.1. The Petitioner is a company registered under the provisions of Companies Act, 1956 having its registered office at Hyderabad. The petitioner-Suvan Steels Pvt. Ltd., was originally incorporated in the name and style of M/s. Sajjala Iron and Steel Pvt. Ltd., which came to be changed to Suvan Steels Pvt. Ltd., towards which a fresh certificate of

incorporation came to be issued by the Registrar of Companies on 05.10.2011.

2.2. The petitioner-company intended to establish a sponge iron industrial unit in the land bearing Sy.No.42 measuring 42.81 acres situate at Belagal village, Ballari Taluk, Ballari. In this regard, the petitioner company has sought for an exemption from the provisions of Sections 63, 79A, 79B or 80 of the Karnataka Land Reforms Act, so as to make use of the agricultural land for the establishment of an industrial unit on such agricultural land.

2.3. An application under Section 109 of the Karnataka Land Reforms Act came to be filed with respondent No.3 after obtaining the necessary reports from the Assistant

Commissioner, Ballari and the Tahsildar, Ballari taluk which was so processed by the 3rd respondent – Deputy Commissioner and permission under Section 109 of the Act was accorded vide order dated 23.11.2004.

2.4. Thereafter, a sale deed came to be executed in favour of the Petitioner on 02.03.2005 and necessary mutation entries were carried out as regards the entire land bearing Sy.No.42 measuring 42.81 acres situate at Belagal village, Ballari Taluk, Ballari.

2.5. Pursuant thereto, the Petitioner in right earnest filed an application for conversion of a portion of the land measuring 15.50 acres, out of the aforesaid land under Section 95 of the Act, the Deputy Commissioner after obtaining a report from the Tahasildar and

after collecting charges had permitted the said conversion. An official memorandum came to be issued in this regard on 18.07.2005. Thereafter, the Petitioner is stated to have established its sponge iron plant and the same was in operation. The balance land at that point of time was used only for the purpose of storage, etc,

2.6. Subsequently, the Petitioner wanted to expand the unit and make use of the balance land for establishing the expansion unit had applied for conversion of the balance land under Section 95(2) of the Act on 21.06.2008. Though the said application had been submitted in the year 2008 itself, there was no action taken by the Respondent No.3 on the said application, the Petitioner had time and again followed up on the status and

processing of the said application, some of the reminders and representations issued by the Petitioner were on 04.03.2011, 08.03.2011, 29.03.2011, 25.08.2015, 21.09.2016, etc.,

2.7. In the meanwhile, the Petitioner had also filed an application on 08.01.2012 seeking for extension of time to comply with the conditions imposed in the 109 permissions (supra).

2.8. According to the Petitioner, the Respondent No.3 woke up from his deep slumber on 30.12.2016, calling upon the Petitioner to appear before the 3rd respondent on 18.01.2017 for enquiry under Section 109(2) of the Act. The Petitioner participated in the said enquiry before the Respondent No.3-

Deputy Commissioner, submitted a detailed reply along with relevant documents including the detailed project report, no objection certificates, the balance sheet and audited report of the Petitioner in support of the expansion unit of the Petitioner.

2.9. Pursuant thereto, Respondent No.3-Deputy Commissioner vide his letter dated 05.07.2017 at Annexure-M had recommended for conversion of land as also for extension of time to the Principal Secretary, Revenue Department, Bengaluru. The said recommendation was routed through the office of the Regional Commissioner, Kalaburgi.

2.10. On receipt of the said recommendation by the Regional Commissioner, the Regional

Commissioner by way of his letter dated 14.10.2017 at Annexure-N, had sought for an explanation as regards the delay caused in the conversion of land since the same was not explained in the proposal submitted by the Deputy Commissioner dated 05.07.2017. The said letter being also addressed to the Principal Secretary, Revenue Department.

2.11. According to the Petitioner, the said communication was completely illegal and there was no need for calling for any records as regards the delay caused by the respondent No.3 in the conversion process from the Petitioner.

2.12. The Petitioner has also produced an endorsement issued by the Commissioner, Ballari Urban Development Authority to show

that the land of the Petitioner comes within the purview of Industrial Zone as per the master plan prepared by Government of Karnataka. On this ground, the Petitioner contends that the land of the Petitioner ought to have been converted by the respondent No.3. Notice having been ordered on the respondents, there is no written objection which has been filed by them.

3. Smt. K.Vidya, learned counsel for Petitioner reiterating the contents of the writ petition also submitted that:

- 3.1. The Petitioner intended to develop the said land in phases. The first phase was implemented and commissioned way back in the year 2006 itself, the sale having been made in favour of the Petitioner in March

2005, conversion having been granted in March 2005 and the project was implemented in the year 2006.

3.2. The balance land was being used initially for the purpose of storage and only for the purpose of expansion the same came to be required as such an application came to be filed on 21.06.2008 for the conversion of balance land of 27.31 acres.

3.3. The application having been filed on 21.06.2008, Smt. Vidya, relies on Section 95(5) of the Karnataka Land Revenue Act, 1964 to contend that in the event of the Deputy Commissioner failing to inform the applicant of the decision on the application made for conversion in terms of sub-section 2 within a period of 4 months thereof, the

permission applied shall be deemed to have been granted in favour of the Petitioner.

3.4. though the Petitioner could have made use of the said deeming fiction under the aforesaid provision, the same could not be so done by the Petitioner since a formal order was required for the purpose of carrying of the business and submitting the same to various authorities and this fact has been misused by the respondents.

3.5. It is for this reason that various representations and reminders were issued by the Petitioner to the respondent enquiring about the delay in the grant of conversion and calling upon the respondents to discharge their duties and issue a formal conversion order at the earliest.

- 3.6. The Petitioner being a bonafide industrialist and wanting to establish the industry the 1st phase thereof having already been established.
- 3.7. The actions on the part of the Petitioner in appearing before the respondents, participating in the enquiry, submitting all documents, so as to facilitate an early grant of conversion order, establish the bonafides on part fo the Petitioner.
- 3.8. after the enquiry, hearing etc., the concerned authority being the Deputy Commissioner has vide its letter dated 05.07.2017 at Annexure-M, recommended the extension of time to the Principal Secretary, Revenue Department.
- 3.9. it was required for the extension of time to be granted before the formal conversion order

could be passed, the fact that the Deputy Commissioner has recommended the same would also amount to the Deputy Commissioner acceding to the request of conversion.

3.10. the regional commissioner had no particular role to play in the matter, the proposal submitted by the Deputy Commissioner was only routed through the Regional Commissioner and as such the Principal Secretary ought to have acted on the said recommendation submitted by the Deputy Commissioner, there was no need for the Regional Commissioner to hold a parallel enquiry.

3.11. Even a reading of Annexure-M, issued by the Regional Commissioner would indicate as if

that the enquiry that the Regional Commissioner proposed is as regards the delay in conversion and not as regards the delay in the completion of the project by the Petitioner, more so since any alleged delay on the part of the Petitioner to implement the project is solely on account of delay in conversion.

3.12. She relies on the decision of the Division Bench of this Court in ***Mohammed Faizuddin and another Vs. Secretary to the Government of Karnataka and others*** reported in ***2017 (4) KCCR 3035 (DB)*** more particularly paragraph No.7 thereof which is extracted hereunder for easy reference:

"7. Keeping the above principles in mind, when facts on hand are examined, it would disclose that impugned endorsements

09.01.2015 and 19.01.2015 – Annexures – E & F has been issued rejecting the request of the Petitioner for conversion of land from agricultural purposes to non agricultural residential purposes on the ground that said lands would fall within the zone of National Investment and Manufacturing Zone which reason is similar and identical to the one which was the subject matter in Writ Petition No.200764/2015 and impugned endorsement undoubtedly had been issued on 09.01.2015 i.e. beyond the period of four months from the date on which the deemed provision would have come into effect. The reason for declining to grant the prayer of Petitioner as could be seen from impugned endorsement is that the State is proposing to set-up National Investment and Manufacturing Zone and process has been initiated in that regard and Government of India, Ministry of Commerce and Industrial has given its in-principle approval for the said project. However, when the process relating to reserving the land for a particular purpose has not blossomed itself into decision having been taken or State having taken steps to acquire land for the said purpose as on the date writ petitioner submitted his application, right of Petitioner to seek for conversion of land cannot be scuttled or it cannot be gainsaid by the State that Petitioner does not have any such right to such conversion of the lands. In fact Petitioner has submitted his application in the instant case on 18.04.2014 with all relevant documents and No Objection Certificate obtained from the concerned departments and said right to claim deemed conversion accrued to the

Petitioner immediately after four months period was over and as such respondent by the impugned endorsement could not have rejected the request of the Petitioner on the ground that State Government is proposing to set up National Investment and Manufacturing Zone. In fact a right had accrued to the Petitioner immediately after completion of four months i.e. 18.08.2014 in view of the deeming provision i.e. Section 95(5). Hence, impugned endorsements cannot be sustained. "

4. Per contra, Smt. K. Vidyavati, learned Additional Advocate General submitted that

4.1. In terms of the permission granted under Section 109 of the Act, dated 23.11.2004, produced at Annexure-B, it was required of the Petitioner to implement the project within two years from the date of the said permission.

4.2. Admittedly, the Petitioner has not implemented the project within a period of two years; the Petitioner has sought for conversion in the year 2008, i.e. after a

period of four years from the date of permission being granted, therefore, there is a violation on the part of the Petitioner with regard to the basic condition of the permission under Section 109.

- 4.3. The Petitioner had applied for extension of time in the year 2012 i.e. after a period of ten years from the date of the permission i.e., more than seven years from the date of permission attracting the proviso to Section 109 (2), requiring the same to be considered only by the State Government in terms of the said proviso. Section 109(2) of the Act is extracted below for easy reference:

109 (1) xxxx

"(2) The Division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with such rules as may be made by the State Government in this behalf:

Provided that the total of the assessment of any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under the provisions of this Act, unless such assessment is liable to alteration under Section 83."

- 4.4. Respondent No.3 has rejected the application for extension of time on 20.01.2012 on the ground that the said application was made seven years after the initial permission.
- 4.5. Thereafter the Petitioner has filed another fresh application on 21.09.2016 seeking for extension of time. She submits that, the Deputy Commissioner though had recommended the extension of time, the Regional Commissioner having verified the facts and seen that there was a delay has sought for an explanation for the delay, the action on the part of the Regional Commissioner, therefore, cannot be faulted

with since there is a discharge of proper duties by the Regional Commissioner.

4.6. The Petitioner not having completed the project within a period of two years cannot seek for extension of time, the implementation of the project not having been done, it is for the State Government to now consider the application for extension of time, which would be so considered after explanation is furnished by the Petitioner in terms of the explanation requested by the Regional Commissioner in terms of Annexure-N.

4.7. The fresh application submitted by the Petitioner in the year 2016 would be covered by the insertion made by way of amendment

to Section 109(2) by virtue of which the proviso afore extracted came into being.

4.8. The orders passed by the Regional Commissioner at Annexure-Q is an innocuous order only seeking for an explanation as regards the delay in discharging of official functions, the same cannot be faulted with.

4.9. Since it is the State Government who has the power to consider the extension of time, the Deputy Commissioner has rightly forwarded the proposal/application to the Principal Secretary for consideration since the Deputy Commissioner could not act on the same.

4.10. The deemed conversion under Section 95(5) of the Land Revenue Act would apply only in normal circumstances of conversion of regular agricultural land and not for

agricultural land purchased after obtaining permission under Section 109 of the Land Reforms Act, more so when there has been violation of 109 by the Petitioner.

4.11. On all the above grounds, she submits that the petition is liable to be rejected.

5. Heard Smt. Vidya, learned counsel for the Petitioner, Smt. K.Vidyavati, AAG for Ms. Seema Shiva Naik, HCGP for respondents, and perused the papers.
6. Based on the above the points that arise for consideration by this Court are:

- (1) Whether the proviso to Section 109(2) of the Karnataka Land Reforms Act inserted by Act No.27/2004, w.e.f. 28.08.2014 is attracted to the present facts and situation?**
- (2) Whether, the Regional Commissioner could have called for another parallel enquiry after the respondent No.3-**

Deputy Commissioner had recommended for extension of time?

- (3) Whether the deeming fiction of conversion contained under Section 95(5) would apply not only to regular agricultural land, but also to the agricultural lands purchased after obtaining permission under Section 109 of the Act?***
 - (4) Whether there is any delay on the part of the Petitioner in implementing the project within the time period prescribed under the permission issued under Section 109 of the Act?***
 - (5) Whether the delay caused in the conversion of the land could be made use of by the respondents to deny the extension of time for implementation of the project?***
 - (6) Whether the delay caused in conversion of land could be made use of by the respondents to subsequently deny the application for conversion of land?***
- 7. Re: Point No.(1) : Whether the proviso to Section 109(2) of the Karnataka Land Reforms Act inserted by Act No.27/2004, w.e.f. 28.08.2014 is attracted to the present facts and situation?**

7.1. Section 109(2) did not have any proviso before the Act No.27 of 2014 and reads as under:

Section 109:

- (1) xxxxx
- (2) *Where any condition or restriction specified in the notification under sub-section (1), has been contravened, the State Government or as the case may be, the Deputy Commissioner may after holding an enquiry as it or he deems fit, cancel the exemption granted under that sub-section and the land in respect of which such cancellation has been made, shall, as penalty be forfeited to and vest in the State Government free from all encumbrances. No amount is payable therefore:*

7.2. By Act No.27 of 2014 which came into effect from 28.08.2014 a proviso was added to Section 109(2). The said proviso reads as under:

"Provided that, any of the Company or Organization, after a period of seven years from the date of obtaining permission under Section 109, for the purpose of expansion of project or to tide over the financial crisis or for changing of land usages, submit application, which shall be considered by the High Power Committee headed

by the Chief Secretary to Government subject to such conditions as deemed fit on case to case basis”.

7.3. It is not in dispute that under Section 109(1) permission was issued to the Petitioner on 23.11.2004, i.e., much prior to the amendment Act 27 of 2014. The permission granted under Section 109(1) has spent itself when the Petitioner purchased the property, subject matter of the permission namely, Sy.No.42 measuring 42.81 acres situated at Belagal Village, Bellari Taluk, Bellari, vide a sale deed dated **02.03.2005**. Thereafter, the only formality pending was the conversion order being issued so as to enable the Petitioner to use the said lands for the purpose of construction of sponge iron unit.

7.4. The purchase having been completed in the year 2005 and the first conversion order having been issued on 18.07.2005, the Petitioner having implemented the first phase of the project immediately thereafter, would indicate that there is no violation of the said permission by the Petitioner. It is only on account of the expansion of the existing unit that the application came to be filed by the Petitioner on 21.06.2008 for the conversion of the balance land.

7.5. The parties having already acted on Section 95(1) permission dated 23.11.2004 and the application for conversion of the balance land having been made on 21.06.2008 and the same not having been rejected by the respondents, is deemed to have been approved on 21.10.2008 in terms of the

deeming fiction under Section 95(5) of the Land Revenue Act. It is not now permissible for the respondents to contend that the proviso to Section 109(2) of the Karnataka Land Reforms Act inserted by Act No.27 of 2014 with effect from 28.08.2014 is applicable to the present facts and circumstances.

7.6. It is also for the reason that the proviso inserted by Act No.27/2014 with effect from 28.08.2014. Thus, the said proviso would come into effect from 28.08.2014 and cannot be applied retrospectively either to the date of the permission, namely 23.11.2004 or date of application for conversion dated 21.06.2008, merely because the application has not been considered and processed by the respondents.

7.7. Thus, I am of the considered opinion that the proviso to Section 109(2) of the Karnataka Land Reforms Act inserted by Act No.27 of 2014 would apply only with effect from 28.08.2014 and not earlier.

8. **Re: Point No.(2): *Whether, the Regional Commissioner could have called for another parallel enquiry after the respondent No.3-Deputy Commissioner had recommended for extension of time?***

8.1. In terms of Section 95 of the Karnataka Land Revenue Act, it is the Deputy Commissioner who is the appropriate authority for considering the application for sanction of conversion, processing the same, call for any enquiry or clarification as regards the application and then finally either approve or reject the said application.

8.2. The Regional Commissioner is only a post which has been created for better administration of different regions of the State. The Regional Commissioner, though a superior authority to the Deputy Commissioner, is as such not recognized under Section 95 of the Karnataka Land Revenue Act. The Authority to either approve or reject the application for conversion only being that of Deputy Commissioner, he cannot also act as per the directions and instructions of the Regional Commissioner.

8.3. The Regional Commissioner is also not an Appellate Authority for any order passed by the Deputy Commissioner in regard to the said application. An appeal would only lie to the Karnataka Appellate Tribunal.

8.4. Thus the Regional Commissioner only being concerned with better administration of that particular region, would have no role to play in respect of an application filed under Section 95 of the Land Revenue Act for conversion of the land. Hence he could not also have called for another parallel enquiry after the respondent No.3 – Deputy Commissioner had recommended for the conversion of the land to the Principal Secretary.

8.5. The Regional Commissioner if at all could have initiated administrative enquiry as regards the delay caused by his officers in considering the application for conversion filed by the Petitioner. The Regional Commissioner cannot hold a parallel enquiry

on the recommendation made by the Deputy Commissioner for conversion.

8.6. The recommendation made by the Deputy Commissioner would stand and had to be considered by the Principal Secretary and accordingly pass orders thereon.

9. **Re: Point No.(3): *Whether the deeming fiction of conversion contained under Section 95(5) would apply not only to regular agricultural land, but also to the agricultural lands purchased after obtaining permission under Section 109 of the Act?***

9.1. Section 95(5) of the Karnataka Land Revenue Act, 1964 is extracted hereunder for easy reference:

Section 95. Uses for agricultural land and the procedure for use of agricultural land for other purpose:

(1) xxxxxxxxxxxx

(2) xxxxxxxxxxxx

(3) xxxxxxxxxxxx

(4) xxxxxxxxxxxx

(5) Where the Deputy Commissioner fails to inform the applicant of his decision on the application made under sub-section (2) within a period of four months, from the date of receipt of the application, the permission applied for shall be deemed to have been granted.

9.2. Section 95 does not make any distinction between an agricultural land purchased by an agriculturist or an agricultural land purchased after obtaining permission under Section 109 of the Karnataka Land Reforms act. Thus, in the absence of refusal of an application made for conversion, and/or any demand made for furnishing of documents, clarifications etc., if the authority to whom an application for conversion of land is made and the said authority does not inform the applicant of the decision on the application made, within a period of four months from the date of receipt of the said application, by virtue of the deeming fiction under Section 95(5) of

the Land Revenue Act, the conversion is deemed to have been allowed and the order for conversion of the land is deemed to have been issued on the expiry of four months from the date of the said application after compliance with the necessary formalities.

9.3. In the present facts and circumstances, applying the said deeming fiction under Section 95(5) of the Land Revenue Act, the application filed by the Petitioner for conversion on 21.06.2008 is deemed to have been approved by 21.10.2008, more so, when the authorities have not refused or rejected the said application or have not sought for any clarification relating to the said application.

9.4. The conversion not having been granted; unfortunately, the Petitioner has been unable to make use of the said deeming fiction on the ground that the Petitioner is required to submit the formal conversion orders to the concerned authorities in order to facilitate the Petitioner to set up the expansion unit or obtain licence and permission relating thereto.

9.5. The formality of issuance of the conversion order being pending, the respondents are therefore to be directed to furnish a calculation of the conversion fine required to be paid by the Petitioner, collect the same from the Petitioner and carry out all other and further acts as are normally done where an order of conversion is made and issue the final order of conversion of land within a

period of four months from the date of receipt of certified copy of this order.

10. **Re: Point Nos. (4) (5) and (6):**

(4) Whether there is any delay on the part of the Petitioner in implementing the project within the time period prescribed under the permission issued under Section 109 of the Act?

(5) Whether the delay caused in the conversion of the land could be made use of by the respondents to deny the extension of time for implementation of the project?

(6) Whether the delay caused in conversion of land could be made use of by the respondents to subsequently deny the application for conversion of land?

10.1. All the above points being connected to one other are considered together.

10.2. The sequence of dates of events extracted hereinabove would indicate that the application for conversion of land was made on 21.06.2008. The same was followed up

by reminders and representations by the Petitioner on 04.03.2011, 08.03.2011, 29.03.2011, 25.08.2015 and 21.09.2016.

10.3. It is only on 30.12.2016 that the third respondent had issued a notice requiring the Petitioner to appear for enquiry under Section 109(2) of the Land Reforms Act on 18.01.2017.

10.4. Even after the said enquiry, respondent No.3 – Deputy Commissioner had recommended the application filed by the Petitioner for extension of time as also conversion. However, since the same was routed through the Regional Commissioner, the Regional Commissioner had called for an explanation for the delay in the conversion process.

10.5. Thus, the Petitioner had applied for the conversion within the time stipulated. It is the respondents who have delayed in granting the order of conversion. It is trite law that no one can take advantage of his own wrongs. Hence the respondents cannot take advantage of their own wrongs for the delay in considering the application for conversion so as to now contend that the application cannot be considered or approved on account of so called delay from the year 2008 till the year 2017.

10.6. The respondents being the cause for the delay in the implementation of the project cannot now refuse the application for extension of time filed by the Petitioner and/or reject the application for conversion

of land on the ground that there was a delay.

10.7. As stated above, the chronology of dates and events would indicate that the permission under Section 109 was granted on 23.11.2004 and the same was accepted on 02.03.2005. The first conversion order came to be issued on 18.07.2005.

10.8. Thus by the time the implementation of the project had commenced nearly one year had lapsed. The same was not found fault with by the respondent at that time. The respondent allowed the Petitioner to go ahead and implement the project.

10.9. It is also not in dispute that a part of the project is already implemented. It is also not in dispute that the first application filed

for conversion was only as regards a portion of the land for which Section 109 permission was granted. The authorities at that point of time or even thereafter did not question the Petitioner as to why conversion of the entire land was not being taken by the Petitioner. This leads me to believe that the project was required to be implemented in phases.

10.10. Initially the first phase was implemented on 15 acres of land and the balance land was used for the purpose of storing the materials etc. It is only after the first phase was implemented and when the Petitioner felt need for expansion that the said application for conversion of the balance land was made on 21.06.2008.

10.11. The phase wise implementation by the Petitioner cannot be faulted with as long as the Petitioner implements the project. If at all the 3rd respondent had considered the said application and granted conversion order in the year 2008, probably the second phase of the project would have been implemented at that point itself. But this Court cannot get into the realm of assumptions and presumptions. The fact is that the application is first filed on 21.06.2008 and the same was not processed by the respondents more particularly respondent No.3 Deputy Commissioner until the year 2017 which was also done after nearly around seven reminders being issued by the Petitioner.

10.12. The respondent not having replied to any of the letters, reminders, representations, for nearly 10 years, cannot now contend that there is delay on the part of the Petitioner in implementation of the project.

10.13. As aforestated, the respondents cannot take advantage of their own wrongs. Thus, I answer these points by holding that there is no delay on the part of the Petitioner in implementation of the project. The delay is solely attributable to the respondents.

11. In view of the above, the writ petition is allowed by issuance of writ of certiorari. The communication dated 19.03.2018 bearing No.Kum:Bhu:Su:01: 2005-06 (Annexure-P) is quashed.

12. By issuance of a mandamus respondent No.3 is directed to issue the formal order of conversion in

respect of land bearing Sy. No.42 to an extent of 27.31 aces situated in Belagal village, Ballari Taluk, Ballari, in terms of the application filed by the Petitioner on 21.06.2018 (Annexure-D), collect the conversion fine and do all such other and further actions as are normally done after issuance of conversion order within a period of four months from the receipt of certified copy of this order.

13. The Petitioner is also permitted to serve the certified copy of this order after obtaining the same on the respondent No.3. The date for calculation of the above time period would be the date on which the certified copy of this order is received by respondent No.3. Writ petitions are accordingly **allowed**.

**Sd/-
JUDGE**

*Svh/- - upto para 5
gab – para 6 to end