



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 21648 OF 2024 (LB-RES)

BETWEEN:

1. U. MAMATHA
W/O N.P. MALLIKARJUNA
AGED ABOUT 42 YEARS
R/O NANDIHALLI VILLAGE
B. DURGA HOBLI, HOLALKERE TALUK
CHITRDURGA DISTRICT-577526.

...PETITIONER

(BY SRI. R. SHASHIDHARA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT
REPRESENTED BY SECRETARY
VIDHANA SOUDHA, BENGALURU-01.
2. THE DIRECTOR
DEPARTMENT OF MUNICIPAL
ADMINISTRATION, V V TOWERS
BENGALURU-560001.
3. HOLALKERE TOWN MUNICIPALITY
REPRESENTED BY CHIEF OFFICER

HOLALKERE TOWN
CHITRADURGA DISTRICT-577526.

...RESPONDENTS

(BY SRI. RAHUL RAI .K, HCGP FOR R1 AND R2;
SRI. B.K. MANJUNATH, ADVOCATE FOR R3)





THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ENDORSEMENTS ISSUED BY THE R-3 IN RESPECT OF KHATA/ASSESSMENT NO. 1900/FB2 IN NO. PU.HO.KAM.SHA.C.R/2024-25 DATED 21.06.2024 VIDE ANNEXURE-K THE COPY OF THE ENDORSEMENT ISSUED IN RESPECT OF KHATHA/ASSESSMENT NO. 1900/GA 41 IN NO. PU.HO.KAM.SHA.C.R/2024-25 DATED 21.06.2024 VIDE ANNEXURE-K1 AND THE COPY OF THE ENDORSEMENT ISSUED IN RESPECT OF KHATA/ASSESSMENT NO. 2054/A 40 IN NO. PU.HO.KAM.SHA.C.R/2024-25 DATED 21.06.2024 VIDE ANNEXURE-K2 TO THIS WRIT PETITION AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is filed seeking the following reliefs:

"a) Issue writ of Certiorari or any other writ or order or direction, in the nature of writ, setting aside the endorsements issued by the 3rd respondent in respect of khata/assessment No.1900/FB2 in No.PU.HO.KAM.SHA.C.R: 2024-25 dated 21.06.2024 vide Annexure-K, the copy of the endorsement issued in respect of khata/assessment No.1900/6A 41 in No.PU.HO.KAM.SHA.C.R: 2024-25 dated 21.06.2024 vide Annexure-K1 & the copy of the endorsement issued in respect of khata/assessment No.2054/A 40 in No.PU.HO.KAM.SHA.C.R: 2024-25 dated 21.06.2024



vide Annexure-K2 to this writ petition in the interest of justice and equity.

b) Issue writ of Mandamus or any other writ or order or direction, in the nature of writ, directing the 3rd respondent to issue e-katha and katha extract in respect of site bearing katha/assessment No.1900/FB2 measuring east to west 30 feet north to south 42 feet, site bearing No.1900/GA 41 measuring east to west 52 feet north to south 30 feet and site bearing No.2054/A 40 measuring east to west 25 feet north to south 43 feet, all are situated at Holalkere Town, in the interest of justice and equity. "

2. The petitioner has purchased a residential site bearing No.41, Assessment No.1900/GA 41, situated at Holalkere Town, measuring east-west 52 feet and north-south 30 feet, for valuable sale consideration under a registered sale deed dated 06.05.2010. The petitioner asserts that a manual khata was issued by the local authority in 2015, as evidenced by Annexures-D and E. The petitioner further contends that he has been regularly paying property tax in respect of the said residential site, and the SAS Form for the year 2023-24 evidences the same at Annexure-F.



3. The petitioner submitted an application before respondent No.3 seeking issuance of e-khata in respect of the petition schedule property by enclosing the title deed, conversion order, and tax paid receipts. However, respondent No.3 rejected the application vide endorsement dated 21.06.2024, citing reliance on the circulars issued by respondent Nos.1 and 2 dated 22.03.2017 and 05.01.2018 respectively. Aggrieved by the said endorsement, the petitioner has approached this Court seeking quashing of the same and issuance of a writ of mandamus directing respondent No.3 to issue e-khata and khata extract in respect of the petition property.

4. Respondent No.3 – Holalkere Town Municipality has filed objections opposing the petition. It is contended that the impugned endorsement is strictly in conformity with Circular No.7/TTP/2017 dated 22.03.2017 issued by respondent No.1. By referring to the said notification as well as the order passed by the Karnataka Lokayukta in Complaint No.Upa-Lok/B.D.4551/DRE-5, respondent No.3



submits that it was bound to reject the petitioner's request. It is further submitted that respondent No.3 has made efforts by addressing a letter to the Government seeking directions to enable issuance of e-khata by collecting betterment charges at 10% of the current market value of sites. This representation is placed at Annexure-R4. Respondent No.3 further submits that despite such representation, respondent No.1 issued another Circular to respondent No.2 bearing No.Na.Aa.E.185.Bemapra:2017 dated 21.03.2018 (Annexure-R5), specifically prohibiting issuance of e-khata in respect of plots which do not have layout plan approval from the competent authority.

5. This Court has heard the learned counsel for the petitioner, the learned Additional Government Advocate for respondent Nos.1 and 2, and the learned standing counsel for respondent No.3. The Court has also carefully perused the judgments relied upon by the learned counsel for the petitioner.



6. Before considering the rival submissions, this Court deems it appropriate to advert to the statutory framework. In particular, sub-section (2B) of Section 17 of the Karnataka Town and Country Planning Act, 1961 is relevant. For ready reference, the said provision is extracted below:

"(2B) The Planning Authority shall ensure the completion of all development works including all infrastructure facilities as mentioned in sub-section (2A) under the supervision of the concerned Authority/Agency/Department. On obtaining the certificate of completion from the concerned Authority/Agency/Department on having completed all the development works and on relinquishment of the roads, parks to the local authority and Civic Amenity areas to the Planning Authority and handing over the same, the Planning Authority may issue the final layout plan affixing the seal of the Planning Authority for registration purpose.

Provided that no Commencement Certificate or licence shall be sanctioned or issued for buildings on sites in the layout unless the final layout plan is issued."



7. The reliance placed by the petitioner on certain coordinate Bench decisions is wholly misplaced and cannot be made applicable to the facts of the present case. In those decisions, the factual situation was entirely different. The local authority therein, without any statutory authority, had collected betterment charges from the site owners, and the sites in question were carved out of duly converted lands. Having voluntarily collected betterment charges, the local authority was estopped from denying issuance of e-khata to the purchasers of such sites, and it was in that context that directions were issued by the coordinate Bench to process khata in favour of the site owners.

8. In contradistinction, the case on hand stands on a different footing. Though the site purchased by the petitioner is carved out of converted land, the admitted position is that the same does not form part of an approved layout. Section 17(2B) of the Karnataka Town and Country Planning Act, 1961, was consciously



introduced with the legislative object of curbing haphazard and unregulated formation of sites in revenue lands and converted lands. The provision imposes a mandatory duty on landowners and developers to obtain approval of the layout plan from the competent planning authority. It further stipulates that only upon development of the layout in accordance with the sanctioned plan, securing a completion certificate, and handing over the roads, civic amenity sites and parks to the local authority, can individual site owners acquire enforceable rights in respect of the sites. The object behind insertion of sub-section (2B) is, therefore, to ensure orderly development of urban areas, proper provision of civic amenities, and to prevent mushrooming of illegal layouts which burden public infrastructure.

9. In the present case, the admitted position is that no sanctioned layout plan has been submitted to or approved by the competent planning authority. Further, unlike in the earlier cases relied upon by the petitioner,



respondent No.3 has not collected any betterment charges from the petitioner. On the contrary, the records disclose that the local authority, noticing the existence of such sites carved out of converted lands without sanction, had sought permission from the State Government to collect betterment charges as a condition for regularisation. The said request was turned down, and the State, instead, issued a Circular (Annexure-R5) categorically directing that no e-khata should be issued in respect of sites formed without approval of a layout plan.

10. In light of the above statutory mandate and the Government Circulars, this Court is of the considered view that respondent No.3 cannot be said to be under any legal obligation to entertain the petitioner's request for issuance of e-khata. Equally, the petitioner, having purchased a site which admittedly does not form part of a sanctioned layout, cannot claim a corresponding legal right to demand issuance of e-khata. A writ of mandamus lies only where there exists a corresponding duty cast on the authority



and a legal right vested in the petitioner. In the absence of both, no such writ can be issued. Moreover, the State Government itself, in exercise of its statutory powers, has clarified that issuance of khata contrary to the mandate of Section 17(2B) of the Act is impermissible. Therefore, the petitioner's prayer for mandamus deserves rejection.

11. This Court is further of the opinion that the larger issue arising out of such transactions needs to be addressed at the policy level. With increasing instances of purchasers acquiring sites in converted lands which are not part of sanctioned layouts, there is a pressing necessity for the State to devise a comprehensive scheme to regulate such transactions. Unless and until the State formulates appropriate guidelines or a regularisation mechanism consistent with the object of Section 17(2B), courts cannot, in individual cases, bypass the statutory mandate and issue directions contrary to law. The legislative intent behind insertion of Section 17(2B) is to strike a balance between urban development and the



rights of innocent purchasers, while ensuring that civic infrastructure and planned growth of towns are not compromised. In this backdrop, this Court finds no ground to interfere with the endorsement impugned.

12. Accordingly, writ petition is dismissed.

**SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

CA
List No.: 1 Sl No.: 51