HC-KAR

NC: 2026:KHC:44977
WP No. 4469 of 2023

CNR: KAHC010098282023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 4469 OF 2023 (GM-ST/RN)

BETWEEN:

1. DISTHI VISHAL PVT LTD.,
REPRESENTED BY ITS DIRECTOR
MR. DEEPAK KEVAL MEHRA
HAVING OFFICE AT ABBANA VILLAGE,
KENCHAMMANA HOSAKOTE POST,
ALURU TALUK,
HASAN DISTRICT-573 214.

2. SRI. SURYAKANTH SHANTHARAM
DAMNE
AGED ABOUT 54 YEARS
S/O SHANTHARAM DAMNE
R/AT FLAT NO.207, 20
BUILDING KUNDAN PURA ROAD, PUNE
MAHARASHTRA - 412 205.

...PETITIONER

(BY SRI. SRIDHAR G.,ADVOCATE)

AND:

1. REGIONAL COMMISSIONER
OFFICE OF THE REGIONAL
COMMISSIONER MYSURU DIVISION
MYSURU-570 005.

2. DISTRICT REGISTRAR
AND COMMISSIONER OF STAMPS
HASAN DISTRICT

HASAN 573 213.

3. SUB-REGISTRAR
ALUR TALUK
HASAN DISTRICT - 573 213.

4. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY -
REVENUE DEPARTMENT
M.S BUILDING, BENGALURU 560 001.

…RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 06/01/2023 IN CASE NO. REV.APL/STP/CR03/2022-23 ISSUED BY R-1 AT ANNEXURE-A AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

1. Petitioners who had acquired lands in Survey No.135 measuring 14 acres and 3 guntas, Survey No.141 measuring 10 acres 10 guntas, Survey No.142 measuring 3 acres 3 guntas and in Survey No.143 measuring 10 acres 7 guntas, situated at Abbana Village, Kenchammana Hosakote Hobli, Alur Taluk and Hassan District in terms of deeds of transfer dated 11.02.2020

for a consideration of Rs.88,98,000/-, was issued with a notice calling upon him to pay the deficit Stamp Duty and registration charges by the respondent No.2-District Registrar under Section 45A(1) of the Karnataka Stamp Act, 1957 (hereinafter referred to as 'the Act, 1957').

2. Statement of objections is filed by the respondents contending *inter-alia*;

2.1 That the valuation arrived at by the respondent No.2-District Registrar was incorrect However, by Order dated 16.02.2022, petitioner was directed to pay the differential stamp duty of Rs.82,71,988/- and the proportionate registration fee.

2.2 Being aggrieved, petitioner preferred an appeal before Respondent No.1-Regional Commissioner under Section 45A of the Act, 1957 and the said appeal was dismissed confirming the order passed by the respondent No.2-District Registrar. Aggrieved by the same, petitioners are before this Court.

3. Learned counsel for the petitioners taking this Court through the records submits that though the aforesaid lands have been permitted to be used for non-agricultural purposes by the Deputy Commissioner, Hassan vide Memorandum dated 24.02.2016, there has been no improvement/development of any nature whatsoever made on the said lands, even to this date. Except existence of 2,500 Sq.ft., of structure of Mangalore Tiled Roof and there is no other structure existing thereon. Thus, he submits that factually and legally, respondent-Authorities are not justified in considering the land to be developed/improved, warranting them to call upon the petitioners to pay the purported differential deficit stamp duty.

4. He refers to a Circular issued by the Central Valuation Committee, annexed to the Act, 1957 to submit that in the case of lands which are permitted to be used for non-agricultural purposes, the basis of valuation is the actual value of the agricultural land plus 60% thereof to be taken as the value of the land for the purpose of payment of stamp duty and registration fee. That the petitioners had indeed

paid the stamp duty and registration fee accordingly. The impugned notice calling upon the petitioner to pay the additional stamp duty is contrary to said provision. Hence, he seeks for allowing of the petition.

5. Learned AGA taking this Court through the records submits that on spot inspection the respondent-Authorities have found the petitioner is intending to use the land for 'Resort' purposes and has indeed housed a stable there. It is these factors which have prompted the respondent-Authorities to consider the land having been improved by the petitioners, warranting payment of additional stamp duty. Hence, he seeks for dismissal of the petition.

6. Heard and perused the records.

7. Admittedly, the land totally measuring 37 acres and 23 guntas of the survey numbers as noted hereinabove has been permitted to be used for non-agricultural purposes by the Deputy Commissioner, Hassan. As per the Circular issued by the Central Valuation Committee under the Provisions of the Act, 1957 the basis for calculation of the

stamp duty and the registration fee in respect of the converted land is as under:

ಕೈಗಾರಿಕೋಪಯೋಗಿ	55% (ಮೂಲ ಕೃಷಿ ಜಮೀನಿನದರಕ್ಕೆ ಹೆಚ್ಚಿನ ದರ)
ವಾಸೋಪಯೋಗಿ	65% (ಮೂಲ ಕೃಷಿ ಜಮೀನಿನದರಕ್ಕೆ ಹೆಚ್ಚಿನ ದರ)
ವಾಣಿಜ್ಯೋಪಯೋಗಿ ವಸತಿಯೇತರ	80% (ಮೂಲ ಕೃಷಿ ಜಮೀನಿನದರಕ್ಕೆ ಹೆಚ್ಚಿನ ದರ)

8. Thus if the land is intended to be used for industrial purpose 55%, residential purpose 65% and for commercial purposes 80% over and above the value of the agricultural land be calculated.

9. As pointed out by the learned counsel for the petitioner, even to this date the entire 37 acres and 23 guntas of land has kept vacant without formation of any residential layout or construction of residential or commercial units thereon.

10. The impugned order at Annexure-B, following is recorded:

> *" ಮೇಲ್ಕಂಡ ನೋಟೀಸಿಗೆ ಉತ್ತರವಾಗಿ ಪ್ರತಿವಾದಿಯು ದಿನಾಂಕ 27-2-2020 ರಂದು ಈ ರೀತಿಯ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. We have received your notice dated 19.02.2020and we write to you as follows:.*
>
> *1. We stated that we have paid the stamp duty and registration fee on the prevailing, notified guideline value for the undeveloped converted land, which is as follows:*

Rate per Acre of dry land without source of irrigation		Rs.1,48,000/-
Percentage of increase for undeveloped converted property for commercial purpose @60%	=148000-60%	Rs.88,800/-
Total rate pot acre for undeveloped converted property for commercial purpose.	=148000+88800	Rs.2,36,800
Total value for 37.23 acres	37.23*2368800	88,80,000

Accordingly, the stamp duty and Registration fee is paid on Rs.88,80,000/- ie on Rs 88,98,000/as follows: 1. Stamp Duty Rs.502737/-. 2. Registration Fee: 88,980/-, 2. In view of the above, it is stated that that appriate stamp duty and registration fee is paid and we request you to register the above mentioned document ಎಂದು ವಿನಂತಿಸಿದ್ದಾರೆ.

ದಿನಾಂಕ: 4–9–2020 ರಂದು ಪ್ರತಿವಾದಿಯವರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸ್ವತ್ತಿನ ಸ್ಥಳ ತನಿಖೆ ನಡೆಸಲಾಯಿತು. ಸದರಿ ಸ್ವತ್ತು ಆಲೂರು ತಾಲ್ಲೂಕು, ಕೆಂಚಮ್ಮನ ಹೊಸಕೋಟೆ ಹೋಬಳಿಯ ಅಬ್ಬನ ಗ್ರಾಮದ 1. ಸರ್ವೇ ನಂ 135, 14–03 ಗುಂಟೆ. 2. ಸರ್ವೇ ನಂ 141, 10–07 ಗುಂಟೆ, 3. ಸರ್ವೇ ನಂ 142, ಸರ್ವೇ 03–03 ಗುಂಟೆ ಸರ್ವೇ ನಂ 143, 10–07 ಗುಂಟೆ ಒಟ್ಟು 37 ಎಕರೆ 23 ಗುಂಟೆವುಳ್ಳ ಸ್ವತ್ತಾಗಿದ್ದು. ಸದರಿ ಸ್ವತ್ತು ಅಬ್ಬನ ಗ್ರಾಮದ(ಸಕಲೇಶಪುರ ತಾಲ್ಲೂಕಿನ ಗಡಿ) ಸ್ವತ್ತಾಗಿದ್ದು, ಹಾಸನ–ಬಾಳುಪೇಟೆ (ಬನವಾಸ) ರಸ್ತೆ ಮಾರ್ಗದಲ್ಲಿ ಸಾಗಬೇಕಿದ್ದು, ಕೊಪ್ಪಲಿನಿಂದ ಸುಮಾರು 1/2 ಕಿ.ಮೀ ದೂರದಲ್ಲಿರುತ್ತದೆ. ಸದರಿ ಸ್ವತ್ತು ವಾಣಿಜ್ಯ ಉದ್ದೇಶಕ್ಕಾಗಿ 2015–16ನೇ ಸಾಲಿನಲ್ಲಿ ಭೂಪರಿವರ್ತನೆ ಹೊಂದಿದ್ದು, ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ನಮೂನೆ 11ಬಿ ರಲ್ಲಿ ಖಾತೆ ನಂ. :: ಸ್ವತ್ತಿನ ಸಂಖ್ಯೆ 151600102004200034ರಂತೆ ಖಾತಾ ನೀಡಲಾಗಿರುತ್ತದೆ. ಸ್ವತ್ತಿನ ಉತ್ತರಕ್ಕೆ ರಸ್ತೆ ಮತ್ತು ನಿಡನೂರು ಗಡಿ ಇದ್ದು, ಆರ್.ಟಿ.ಸಿ ದಾಖಲೆಗಳಲ್ಲಿ 'ಸ್ಟಡ್ ಫಾರಂ' (ಕುದುರೆ ಗಾವಲು) ನಮೂದಿಸಲಾಗಿರುತ್ತದೆ. ಸದರಿ ಸ್ವತ್ತಿನ ಮಧ್ಯದಲ್ಲಿ ಅಂದಾಜು 2300ಚದರಡಿಗಳ ದೊಡ್ಡ ಬಂಗಲೆ ಮನೆ ಇದ್ದು, ಹಾಗೂ ಸ್ವತ್ತಿನಲ್ಲಿ ಸುಮಾರು 2000 ಚದರಡಿಗಳ ಹಳೆಯ ಮಂಗಳೂರು ಹಂಚಿನ ಶೆಡ್‌ಗಳು ಇರುತ್ತವೆ. ಉಳಿದಂತೆ ಸ್ವತ್ತಿನಲ್ಲಿ ಖಾಲಿ ಜಾಗವಿದ್ದು, ರೆಸಾರ್ಟ್/ವಾಣಿಜ್ಯ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸ್ವತ್ತನ್ನು ರೀದಿಸಿರುವುದು ಸ್ಥಳ ಪರಿಶೀಲನೆಯಲ್ಲಿ ಕಂಡುಬರುತ್ತದೆ."

11. Thus, the spot inspection referred to therein also has not revealed any formation of layout or construction of residential houses thereon. It is only a personal opinion of the Officer Concerned with regard to petitioner having purchased the property with an intention to use the same for ''Resort or Commercial purposes''.

12. Intention to use a particular property cannot be basis for valuation of the land for the payment of Stamp Duty, unless the documents establish the said factor.

13. There is no dispute of the fact that the petitioner had sought for change of land usage from agricultural to residential use. Therefore, in the absence of any document or petitioner intended to use the land other than residential purposes, the respondent-Authority could not have presumed the intention of the petitioners to use the same for resort or industrial purpose. Secondly, there is also no evidence of the Officer Concerned finding any improvement in the nature of formation of layout or construction of residential houses units either. Except 2,400 Sq.Ft., of land shown in the RTC as stud farm.

14. In that view of the matter, for the purpose of calculation of value of land the respondent-Authorities were required to have followed Annexure-1 to the notification dated 27.09.2023, issued by the Central Valuation Committee, as on the date when the document was presented for registration. Accordingly, following:

ORDER

(i) Petition is ***allowed.***

(ii) Impugned order dated 06.01.2023 issued by the respondent No.1 as per Annexure-A and order dated 16.02.2022 passed by the respondent No.2 as per Annexure-B are hereby quashed.

(iii) The Respondent No.3-Sub-Registrar shall value the subject property, taking into consideration, the guidelines issued by the Central Valuation Committee in terms of the notification as on the date when the document was presented for registration and adjudicate and determine the payment of the stamp duty and registration fee accordingly.

SD/-
(M.G.S. KAMAL)
JUDGE

RL
List No.: 1 Sl No.: 36