



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 8512 OF 2025 (KLGP)

BETWEEN:

SRI. VITTALA RAMAPPA JADAV
AGED ABOUT 62 YEARS
R/AT JAGADALA VILLAGE
RABAKAVI-BANAHATTI TALUK
BAGALAKOTE DISTRICT-587 314

...PETITIONER

(BY SRI. BHARATHGOWDA B.R, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY
RANGE FOREST OFFICER
JAMAKHANDI RANGE
BAGALAKOTE DIVISION
BAGALAKOTE DISTRICT-587 301
2. RANGE FOREST OFFICER
JAMAKHANDI RANGE
BAGALAKOTE DIVISION
BAGALAKOTE DISTRICT-587 301
3. TAHSILDAR
JAMAKHANDI RANGE



BAGALAKOTE DIVISION
BAGALAKOTE DISTRICT-587 301

...RESPONDENTS

(BY SRI. B. RAVINDRANATH, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OF LIKE NATURE AND QUASH, THE JUDGEMENT DATED 18/02/2025 (PRODUCED AT ANNEXURE-C) AND DIRECT THE 2ND RESPONDENT NOT TO TAKE THE POSSESSION OF 1 ACRE 20 GUNTAS OF RESERVE FOREST LAND IN SY.NO.241 OF JAGADALA VILLAGE, WHICH IS ALLEGED TO HAVE BEEN ENCROACHED BY THE PETITIONER ISSUING A WRIT IN THE NATURE OF MANDAMUS AND GRANT ALL CONSEQUENTIAL BENEFITS AND ETC.

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

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
and
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR



ORAL ORDER

(PER: HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR)

The present writ petition is filed under Article 226 and 227 of the Constitution of India, seeking to quash the judgment dated 18.2.2025 passed by the Karnataka Land Grabbing Prohibition Special Court, Bengaluru in LGC(G) No.9928/2021, whereby the petitioner was acquitted of the offence under Section 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (in short 'KLGP Act') but, the Court directed respondent no.2 to take possession of one 1 acre 20 guntas of land in Sy.No.241 of Jagadale Village in Banhatti Taluk, Bagalkot District. The petitioner also seeks a direction to restrain respondent no.2 from taking possession of the said land.

2. The petitioner is now aggrieved by the direction issued by the Special Court to take possession of the land in question despite his acquittal in the criminal proceedings is before this Court. The case of the respondents was, that the petitioner had encroached



upon 1 acre 20 guntas of Reserve Forest Land in Sy.No.241 of Jagadala Village and cultivated the same, thereby the petitioner has committed an offence under Section 4 and 5 of the KLGP Act. After a full-fledged trial, the Special Court, acquitted the petitioner of the criminal charges but, proceeded to direct the respondents to take possession of the land by holding, that the land in question was indeed a reserve forest land and had been encroached by the petitioner.

3. It is the contention of the petitioner that, there was no material evidence to prove that, he had encroached upon the land in question. It is his grievance that, the complainant had made bald allegations without any supporting evidence. The respondents failed to follow the due procedure. Specifically, it is contended that, the GPS Map and photographs (Ex.P8 and 9) were not accompanied by certificate under Section 65-B of the Indian Evidence Act, 1872 rendering them inadmissible in evidence. The petitioner further contends that, the



direction to take possession of the land is unjustified since he is acquitted of the criminal charges. He claims that, the land in dispute is being used for 'betel leave' cultivation and dispossession would cause him irreparable loss. Additionally, he alleges that, the complaint was filed with an ulterior/oblique motive to harass the petition as he is a law abiding citizen with no prior history of land disputes.

4. The respondents submit that, the Special Court, after examining revenue and forest records, conclusively held that, the land in question was a reserve forest land. It is their contention that, the acquittal of the petitioner under Section 4(3) of the Act does not negate the fact that the land belongs to the forest department and was encroached upon. The direction to take possession is as per the provisions of the aforesaid Act. It is contended that, it is a civil consequence based on the finding of encroachment independent of the criminal liability. It is further contended that, the petitioner has no



legal right over the land to remain in encroached forest land and the State has the authority to reclaim its property under the Karnataka Forest Act, 1963 and other Conservation Laws. It is asserted that, the protection of Reserve Forest Area from the encroachment is a matter of State's duty overrides to safe guard the forest land.

5. Having heard the arguments of both the side, on the above pleadings and evidence, the primary issue before this Court is, *"whether the special Court while acquitting the petitioner of criminal charges could still direct the respondents to take possession of the land in question?"*.

6. The KLGP Act, 2011 creates a comprehensive framework to deal with the land grabbing by providing for both criminal prosecution and civil remedies. While Sections 3 to 7 of the Act deal with the criminal aspects including definition of offences and their punishments, Section 9 assumes particular significance, as it confers wide powers on the Special Court to deal with the civil consequences of land grabbing. Section 9 of the Act



specifically empowers the special Court to determine, whether a case of land grabbing and to pass appropriate orders including declaring the alleged act as land grabbing determining the persons involved land grabbing, directing eviction of the land grabber and restoring possession to the rightful owner.

7. This provision makes it clear that, the proceedings before the Special Court are not merely criminal in nature but have a distinct civil dimension aimed at restoring the property to its lawful owner. The civil consequences under Section 9 operates independently to the criminal liability under the provisions of the Act.

8. In the instant case, the special court after examining the evidence on record including revenue and forest department documents, came to the conclusion that the land in question was indeed a reserve forest land owned by the Forest Department (Government). The petitioner was in unauthorized occupation of the same.



And though criminal charges could not be proved beyond reasonable doubt warranting acquittal under Section 4(3) of the Act, the civil consequences of land grabbing were clearly established. Thus, the direction to restore possession to the Forest Department, as therefore, a legitimate exercise of powers under Section 9 for the Act, completely independent of the acquittal in criminal trial.

9. The special Court was well within its jurisdiction to pass such an order once it arrived at the finding that, the land was 'grabbed property' as defined under the Act. The special Court after examining the documentary evidence, including the records produced by the forest department and survey reports, concluded that, the land was part of the reserve forest area. The petitioner had failed to produce any valid title documents or proof of lawful possession. The contention that, the GPS map and photographs were inadmissible due to the non-production of Section 65-B certificate is untenable as the special Court being a fact finding authority, was



entitled to rely on official reports unless disproved. The petitioner did not challenge the authenticity of these documents during the trial.

10. Though the petitioner claims that dispossession would cause hardship, this cannot override the State's right to protect its forest land. The Karnataka Forest Act, 1963, and other forest conservation laws mandate the protection of reserved forest areas from encroachment. The direction to restore possession to the forest department is a logical consequence of finding of encroachment and is in the interest of protecting public property. The learned special Court, after detail examination has rightly concluded that, the land in question is a reserve forest land and that the petitioner had no legal right over it. The acquittal under Section 4(3) of the Act does not entitle the petitioner to retain possession of the land. The direction to possession to the Forest Dept. as stated above, is a logical consequences of



finding of encroachment and is in the interest of protecting public property.

11. For the reasons stated above, the writ petition is devoid of merits and is accordingly liable to be rejected. Accordingly, it is rejected. Under the circumstances, we reluctantly pass no order as to costs.

**Sd/-
(KRISHNA S DIXIT)
JUDGE**

**Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE**

SK
List No.: 1 Sl No.: 18