



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 19559 OF 2025 (GM-MM S)

BETWEEN:

M/S.STG INFRANSYS PVT LTD.
A COMPANY REGISTERED
UNDER THE COMPANIES ACT,
REPRESENTED BY ITS MANAGING DIRECTOR
MR.C.ASHOK
S/O LATE.C.S.CHIKKARAMEGOWDA
AGED ABOUT 47 YEARS,
HAVING ITS OFFICE AT NO.1023,
25, R.NO.107,
SHRISTHISALLAGRAMA APARTMENT,
J.L.VILAS ROAD, CHAMRAJPURA,
MYSORE-570 005

...PETITIONER

(BY SRI. LAKAMAPURMATH CHIDANANDAYYA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
INDUSTRIES AND COMMERCE
(SSI TEXTILES AND MINES)
VIDHANA SOUDHA,
BANGALORE-560 001
2. DIRECTOR OF MINES AND GEOLOGY,
DEPARTMENT OF MINES AND GEOLOGY,

Digitally
signed by
NIRMALA
DEVI

Location: High
Court of
Karnataka



KHANIJA BHAVAN,
RACE COURSE ROAD,
BANGALORE-560 001

3. SENIOR GEOLOGIST,
DEPARTMENT OF MINES AND GEOLOGY,
(MINES DIVISION) MANDYA DISTRICT,
MANDYA-571401
4. DISTRICT TASK FORCE COMMITTEE
REPRESENTED BY ITS CHAIRMAN AND
DEPUTY COMMISSIONER,
MANDYA DISTRICT,
MANDYA-571401
5. DEPUTY CONSERVATOR OF FOREST
MANDYA DIVISION,
6TH MAIN ROAD,
SUBHAS ROAD,
MANDYA-571401

...RESPONDENTS

(BY SRI. K.S. HARISH, GA)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS, WHICH ULTIMATELY RESULTED IN ISSUING IMPUGNED COMMUNICATION AT ANNEXURE-A DATED 09/12.05.2025 INFORMING THAT THE SCHEDULE PROPERTY IS A DEEMED FOREST AND THE QUARRY LEASE CANNOT BE RENEWED OR GRANTED IN FAVOUR OF THE PETITIONER, ISSUE A WRIT, ORDER OR DIRECTIONS IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED COMMUNICATION DATED 09/12.05.2025 VIDE ANNEXURE-A INFORMING 4TH RESPONDENT THAT THE SCHEDULE PROPERTY IS A FOREST LAND AND ETC.

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



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE C.M. POONACHA)

1. The present writ petition is filed seeking the following reliefs:

a) CALL for the records, which ultimately resulted in issuing impugned communication at Annexure-A dated 09/12.05.2025 informing that the Schedule Property is a 'deemed Forest and the Quarry Lease cannot be renewed or granted in favour of the Petitioner;

b) ISSUE a writ, order or directions in the nature of CERIOTRARI quashing the impugned communication dated 09/12.05.2025 vide Annexure-A informing 4th Respondent that the Schedule Property is a 'forest land';

c) ISSUE a writ, order or directions declaring that the claim of the 5th Respondent-Deputy Conservator of Forests that the Schedule Property is a 'Deemed Forest' is contrary to the law laid down by this Hon'ble Court in DHANANJAYA VS. STATE OF KARNATAKA vide Annexure-AA.

d) ISSUE a writ of Mandamus, directing the 3rd and 4th Respondent to extend the period of QL No. 1099 for the period till the completion of the project work entrusted to the Petitioner by National Highway Authority of India vide Annexure-S treating the Schedule Property as a Government Gomal Land; and

e) ISSUE such other relief as this Hon'ble Court may deem fit in the interest of justice.

2. It is the case of the petitioner that it is a Class I Contractor recognized by the Public Works Department and was entrusted



with various public works including construction of roads. It is the contention of the petitioner that it was entrusted with the work of Pandavapura Taluk Improvement Road (Km 4.90); Ragimuddanahalli to joint Dinka - Ashokanagara Road, Honnenahalli, Yelavarakopplu (2.20 Km); Ragimuddanahalli to Pandavapura - K.Bettahalli; Chakshettahalli - Chinakurali Babybetta, Chinakurali Road; Thandekere - Vadesamudra Chickakoppalu - (8 Km); Mandya - Hadagalli Road Join Mandya Thandekere (2.75 to 7.58 Km) [hereinafter referred to as **Project**] by the National Highway Authority of India [**NHAI**] and was hence, entitled to grant of quarry lease under Rule 3B of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**]. The petitioner applied for grant of quarry lease in respect of an area of 12 acres in Sy.No.101/P1-P1 of Honnamadu Dudda Hobli Mandya District and Taluk [hereinafter referred to as **subject property**] and had also applied for statutory permissions from various authorities including the Senior Geologist, Assistant Commissioner, Deputy Commissioner of Forests, etc. The authorities recommended grant of the quarry lease. The State Level Impact Assessment Authority, Karnataka, on the recommendation of the State Appraisal



Committee granted environmental clearances to the petitioner. Vide the Government Order dated 08.03.2019, the petitioner was granted quarry lease of the subject property in respect of the building stone for a period of twelve months for using the same in the project works. Accordingly, respondent No.3 - Senior Geologist, executed quarry lease No.1099, dated 06.09.2021 in favour of the petitioner for a period of twelve months. It is stated that the quarry lease was extended twice till the completion of the project work.

3. It is the case of the petitioner that it was awarded further work by the NHAI i.e., the work of "improvement to two lane with paved shoulder from KM-597.56 (Pavagada town limit) to KM-606.670 (Kirnguru) on NH-150A (Jewargi-Chamarajnagar Section) in the State of Karnataka on EPC mode (Job No:NH-150A-KNT-2023-24-997) [hereinafter referred to as **the subsequent project**] vide agreement dated 18.10.2024 and that the said work was to be completed by 21.10.2025. The petitioner made an application on 04.02.2025 under Rule 3B of the KMMC Rules to grant quarry lease/extend quarry lease No.1099 to enable successful completion of the subsequent project.



4. It is the contention of the petitioner that under Rule 8(5) of the KMMC Rules since the lease was already granted, there was no requirement for the opinion of various authorities for grant of extension of the quarry lease. However, respondent No.3 - Senior Geologist, on 13.03.2025 sought the opinion of the Deputy Conservator of Forests as to the status of the property, the lease of which was granted to the petitioner. The petitioner made requests to various other authorities namely, the Director of Mines and Geology as also respondent No.4 - District Task Force Committee [Committee] contending, *inter alia*, that there is no necessity to once again take the opinion of the various authorities for grant/extension of the lease. Respondent No.2 - Director of Mines and Geology, vide letter dated 24.05.2025 required the Committee to take a decision on the request made by the petitioner. The Committee in its meeting held on 06.05.2025, in view of the objections raised by the various departments, who had stated that their no objection in respect of the land in question (Sy.No.101/P1) having been withdrawn on the ground that the said land is a deemed forest, rejected the application of the petitioner. Being aggrieved by the same, the present petition is filed.



5. It is the contention of the petitioner that the property/land applied for by the petitioner is part of 50.29 acres of gomal land and the said land in Sy.No.101/P1 is a government gomal land and is not to be treated as a forest land. The petitioner also relies on various communications addressed by the various departments of the government to contend that the classification of the land in question as "deemed forest" is without any basis. It is also contended that since the quarry lease was already granted, having regard to Rule 8(5) of the KMMC Rules, there was no requirement of once again taking the opinion of the Deputy Commissioner of Forests and the revenue officials for grant or extension of the quarry lease. Hence, the learned counsel for the petitioner seeks for allowing of the writ petition and granting the reliefs sought for.

6. *Per contra*, it is the contention of the learned Government Advocate that pursuant to the directions of the Supreme Court in the case of ***T.N.Godavarman Thirumulkpad v. Union of India and others : (1997) 2 SCC 267*** the Government of Karnataka has filed an affidavit dated 11.1.2022 listing out a total extent of 3,30,186.93 hectares of land as a deemed forest, consequent to



which Government Order No.FEF 185 FAF 2011, Bengaluru, dated 05.05.2022 has been issued. It was contended that Principal Chief Conservator of Forests, Head of Forest Force issued Certificate dated 24.11.2023 for taking action pursuant to the acceptance of the affidavit filed on behalf of the State of Karnataka before the Supreme Court and the government has notified the said land as a deemed forest. Hence, it was contended that having regard to the subsequent developments, the statutory authorities were justified in denying the request made by the petitioner.

7. It is pertinent to note that in similar fact situation Coordinate Benches of this Court, considering a challenge made with regard to the classification of land as deemed forest and declining of issuance of no objection certificate, has rejected the challenge made to the same.

8. In the case of ***Ashoka Buildcon Limited & Anr., v. The State of Karnataka, Department of Forests, & Ors., : NC:2023:KHC:36969-DB*** a Coordinate Bench of this Court considering the judgment of the Supreme Court in the case of ***T.N.Godavarman*** (*supra*) refused to interfere with the exercise



conducted by the statutory authorities in classifying a land as deemed forest.

9. In the case of ***D.M.Deve Gowda v. The Principal Chief Conservator of Forests & Ors., : NC:2024:KHC:13518-DB***, a Coordinate Bench of this Court considering a similar question held as under:

3. Having heard the learned counsel appearing for the parties and having perused the Petition papers, we are broadly in agreement with the submission of learned Government Advocate appearing for the official Respondents, there being nothing repugnant in the record of the case. The Apex Court in the subject case had made an order dated 12.12.1996 describing forest, forest lands and deemed forests. In terms of the said order, High Level Expert Committees were constituted to study and submit the report. The report was submitted on 02.04.1997. Accordingly, the Government of Karnataka had filed the Affidavit enlisting inter alia, that the lands that fall into the description of deemed forest.

4. Learned Government Advocate Mr. Mahendra is right in submitting that the Apex Court vide order dated 18.08.2023 on Interlocutory Application No. 44942/2019, has accepted the report of the Expert



Committee and the Affidavit which enlists the lands including those comprised in the Petitions. The reply of Mr. Holla that although Affidavit has been filed, there is no order accepting the same, is bit difficult to countenance. The Apex Court order reads as under:

“1. In pursuance to the judgment passed by this court on 12.12.1996 [T N GODAVARMAN TIRUMALPAD vs. UNION OF INDIA (1997) 2 SCC 267], the State of Karnataka has submitted that it has constituted an Expert Committee.

2. In the affidavit, it is further stated that as per the report of the Committee an area ad measuring 3,30,186.93 hectares has been identified as deemed forest and the same has also been approved by the State Government.

3. The said compliance is taken on record.

4. The application stands disposed of.”

5. The contention of Mr. Holla that liberty should be reserved to the Petitioners to seek clarification of the same at the hands of Apex Court needs no examination inasmuch as, it is always open to the aggrieved to resort to course of the kind, nothing contrary having been demonstrated from the record. Be that as it may; no relief as of now can be granted to the Petitioners.



In the above circumstances, these Petitions being devoid of merits are liable to be and accordingly dismissed, costs having been made easy.

10. The reliance placed by the learned counsel for the petitioner on the judgment of the Coordinate Bench of this Court in the case of ***M/s Shree Maruthi Stone Crushers v. State of Karnataka & ors., (Writ Petition No.9501 of 2020 (GM-MM-S), decided on 09.09.2020)*** to contend that the classification of the subject property as deemed forest is erroneous, will not aid the case of the petitioner since the judgment in the case of ***M/s Shree Maruthi Stone Crushers (supra)*** was rendered in the context of a notification dated 04.03.1982 issued by the State with regard to C & D Class lands transferred to various departments for afforestation/social forestry purpose and the subsequent Government Order dated 03.01.1981 regarding re-transfer of the said lands. The said judgment did not consider the question of classification of lands as deemed forest pursuant to the judgment of the Supreme Court in the case of ***T.N.Godavarman (supra)***.

11. The reliance placed by the learned counsel for the petitioner on Rule 8(5) of the KMMC Rules to contend that there was no



requirement of once again taking the opinion of the Deputy Commissioner of Forests and revenue officials will also not aid the case of the petitioner having regard to the subsequent development of classification of lands as deemed forest pursuant to the judgment of the Supreme Court in the case of ***T.N.Godavarman*** (*supra*).

12. Having regard to the fact that the land, which was the subject matter of quarry lease granted to the petitioner has been classified as deemed forest and keeping in mind the decisions of this court in the cases of ***Ashoka Buildcon Limited & Anr.***, (*supra*) and ***D.M.Deve Gowda*** (*supra*), the present writ petition is devoid of merit and is accordingly, rejected.

13. Pending IAs., if any, stand disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**