



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 10<sup>TH</sup> DAY OF DECEMBER, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE E.S.INDIRESH**

**WRIT PETITION NO.25543 OF 2022 (GM-FOR)**

**BETWEEN:**

1. GANGADHARA  
S/O LAXMANA  
AGED ABOUT 39 YEARS  
OCC-AGRICULTURE  
R/O MALALICHANNENHALLI VILLAGE  
THARIKERE TALUK  
CHIKKAMAGALURU DISTRICT-577228.

...PETITIONER

(BY SRI. HIEMATHAD MAHESHIAH RUDRAYYA, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
BY ITS SECRETARY  
DEPARTMENT OF FOREST AND ECOLOGY  
M S BUILDING  
DR. AMBEDKAR VEEDHI  
BENGALURU - 560 001.
2. THE CONSERVATOR OF FOREST  
CUM THE APPELLATE AUTHORITY  
SHIVAMOGGA CIRCLE  
SHIVAMOGGA-577204.
3. ASSISTANT CONSERVATOR OF FOREST  
CUM THE COMPETENT AUTHORITY

Digitally signed by  
ARUNKUMAR M S  
Location: HIGH  
COURT OF  
KARNATAKA



THARIKERE SUB DIVISION  
THARIKERE  
CHIKKAMAGALURU DISTRICT-577228.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO THE ORDER DATED 13.10.2022 PASSED IN APPEAL 86/2019-20 PASSED BY THE RESPONDENT NO.2 PRODUCED AT ANNEXURE -M CONSEQUENTLY QUASH THE ORDER DATED 07.09.2019 PASSED IN ENQUIRY NO. SA.A.SAM.LAKKAVALLI. TA.U.VI.OTTUVARI.112/2019 PASSED BY THE RESPONDENT NO.3 PRODUCED AT ANNEXURE-K.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

**ORAL ORDER**

1. In this writ petition, petitioner is assailing the order dated 13.10.2022 in Appeal No.86/2019-20 passed by respondent No.2 (Annexure-M) and the order dated 07.09.2019 in Ottuvari case No.112/2019 passed by respondent No.3 (Annexure-K), against the petitioner.



2. Heard Sri. M.R. Hiremathad, learned counsel appearing for the petitioner and Sri. Mahantesh Shettar, learned Additional Government Advocate appearing for the respondents.

3. It is contended by the learned counsel appearing for the petitioner that, land to an extent of 3 acres each, in Sy.No.4 of Malali Channenahalli Village was granted in favour of one Siddappa, Krishnappa, Narasimhaiah and Laxmana and the saguvali chit has been issued in their favour. The petitioner has produced the grant order dated 23.07.1971 (Annexure-A). The petitioner has also produced the Grant Certificate dated 31.10.1972 issued to Krishnappa as per Annexure-C1. It is stated by the learned counsel appearing for the petitioner that, the revenue records stand in the name of Siddappa, Krishnappa, Narasimhaiah pursuant to the grant order vide Annexure-A. During the year 2018, the petitioner has purchased the land from the original grantee Krishnappa, as per Annexure-E. Therefore, it is contended by the learned counsel appearing for the petitioner that the respondent - authority should identify the land of the petitioner in view of



the respondent - authority declaring forest land and that apart, it is contended that, both the respondent - authorities have failed to consider the fact that the revenue authorities have granted the land in question as per Annexure-A to the vendors of the petitioner, and accordingly, sought for interference of this Court.

4. Learned counsel appearing for the petitioner placed reliance on the Judgment of the this Court in the case of 'UNNIKUTTI Vs. THE STATE OF KARNATAKA AND OTHERS' in W.P.No.2082/2025 disposed of by this Court on 04.02.2025, and submitted that the impugned orders passed by the respondent - authorities are liable to be quashed.

5. Per contra, learned Additional Government Advocate appearing for the respondent - State submitted by referring to the Government Notification dated 25.01.1909 (Annexure-R1), wherein the land in question has been identified as forest land and therefore, the respondent - authorities have no authority under law to grant the land in question in favour of the grantees and accordingly, sought for dismissal of the writ petition.



6. In the light of the submissions made by the learned counsel appearing for the parties and on careful examination of the record of rights produced at Annexure-B and the Grant Certificate produced at Annexure-C1, wherein no schedule has been mentioned in the grant order as to the extent of land granted in favour of the vendor of the petitioner, namely Krishnappa. It is also forthcoming from the Government Notification as per Annexure-R1, that Sy.No.4 of Malali Channenahalli Village to the extent of 438.13 acres of land is declared as Hadikere West State Forest and in that, an extent of 201.19 acres of land is declared as State Reserve Forest.

7. The Hon'ble Supreme Court in the case of STATE OF KARNATAKA AND OTHERS Vs. NIRVANE GOWDA AND OTHERS reported in (2007)15 SCC 744, has observed at para 4 of the Judgment, as follows:

" 4. The trial court as well as the first appellate court, based on the evidence, recorded findings that the lands in question were the part of reserved forest. We do not find any good ground or a valid reason for rejection of Ext. D-1 by the High Court. When the lands were included in reserve forest, the entries in the revenue records were of no



consequence and further, mere saguvali chits did not confer any title on the suit lands. This apart, the Revenue Authorities were not competent to deal with the property which was the part of the reserved forest. The first appellate court was right in affirming the judgment and decree of the trial court. We find it difficult to sustain the impugned judgment and decree as far as these respondents — I.S. Nirwane Gowda and B. Govindaraj in these two appeals are concerned. In this view these appeals are entitled to succeed. Accordingly, they are allowed. The impugned judgment and decree passed by the High Court, so far as these respondents, namely, I.S. Nirwane Gowda and B. Govindaraj are concerned, are set aside and the judgment and decree passed by the first appellate court affirming the judgment and decree of the trial court dismissing the suits are restored. No costs."

8. It is also to be noted that recently in **FOREST LAND CONSTRUCTION OF MULTISTOREYED BUILDINGS IN MAHARASHTRA, IN RE WITH T.N. GODAVARMAN THIRUMALPAD, IN RE Vs. UNION OF INDIA AND OTHERS** REPORTED IN **(2025) 9 SCC 359**, the Hon'ble Supreme Court has laid down guidelines with regard to the fact that respondent - authority have no jurisdiction to grant land in respect of the



forest land and in that view of the matter, both the authorities i.e. respondent Nos.2 and 3, having taken note of the factual aspects on record, have rightly arrived at the conclusion that the land in question has been notified as per Annexure-R1, as State Reserve Forest and as such, the Judgment referred to by the learned counsel for the petitioner cannot be accepted. In that view of the matter, no interference is called for in this writ petition.

9. The writ petition is accordingly, dismissed.

10. Pending I.A. if any, shall stand dismissed as not surviving for consideration.

**Sd/-**  
**(E.S.INDIRESH)**  
**JUDGE**

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List No.: 1 Sl No.: 15