



CNR: KAHC010004762016

NC: 2026:KHC:50363
WP No. 15176 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.15176 OF 2016 (GM-FOR)

BETWEEN:

SRI.KOTTERA C.MADAPPA
S/O LATE CHENGAPPA
AGED ABOUT 78 YEARS
R/AT DODDAPULIKOTE VILLAGE
BALLAMAVATI POST
MADIKERI TALUK
KODAGU DISTRICT - 571 201

BY HIS POWER OF ATTORNEY HOLDER
P.RIYAD
S/O HASSAINAR
AGED ABOUT 38 YEARS
PEE CEE BUILDINGS
MADIKERI ROAD
SIDDAPURA, KODAGU DISTRICT - 571 201

...PETITIONER

(BY SMT.LEELA P.DEVADIGA, ADVOCATE FOR
SRI.ARNAV A. BAGALWADI, ADVOCATE)

AND:

THE DEPUTY CONSERVATOR OF FOREST
MADIKERI DIVISION
MADIKERI - 571 201

...RESPONDENT

(BY SRI.MAHANTESH SHETTAR, AGA)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER/ENDORSEMENT DTD 24.02.2014 PRODUCED AT ANNEXURE-E HOLDING THE SAME IS AGAINST LAW AND THE PETITIONER IS ENTITLED TO THE SALE PROCEEDS OF THE TIMBER LOGS IN QUESTION AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed calling in question the endorsement dated 24.02.2014 issued by the sole respondent at Annexure-E, whereby the petitioner's claim for payment of the value of the trees felled from the petitioner's land has been rejected.

2. The learned counsel appearing for the petitioner, reiterating the grounds urged in the petition, has placed reliance on the judgment rendered by this Court in a batch of writ petitions, including W.P.No.55534/2013 and connected matters, and the subsequent judgment

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rendered by the Co-ordinate Bench following the said decision in an identical matter. Placing reliance on the aforesaid judgments, learned counsel would contend that once the petitioner is recognized as the occupant of Jamma Bane land, the petitioner acquires full ownership rights in respect of the said land, including the trees standing thereon.

3. Learned counsel would further contend that, in view of the aforesaid pronouncements of this Court, particularly in the backdrop of the amendment to sub-section (20) of Section 2 of the Karnataka Land Revenue Act, the holder of Jamma Bane land is to be treated as an occupant having full ownership rights over the land. It is, therefore, contended that the controversy raised in the present petition stands concluded by the judgments relied upon by the petitioner.

4. *Per-contra*, the learned Additional Government Advocate appearing for the respondent would contend that



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the land in question is Paradhina land and that there are no records establishing the date of alienation thereof. In the absence of such material, it is contended that the trees standing on the land cannot be held to have absolutely vested in the petitioner. Learned AGA would, therefore, submit that the endorsement impugned is in accordance with law and does not warrant interference by this Court.

5. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Advocate appearing for the respondent. I have also perused the material on record and the judgments relied upon by the learned counsel for the petitioner.

6. Having heard the learned counsel for the parties, it would be apposite to refer to the findings recorded by the Co-ordinate Bench in W.P.No.52337/2016, wherein reliance has been placed upon the judgment rendered in W.P.No.35534/2019. The observations contained in

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paragraph Nos.7.2 to 7.7 of the said judgment are extracted hereinbelow for ready reference:

"7.1. Rule 153 of Karnataka Forest Manual is reproduced hereunder for easy reference:

"153. Towards the implementation of rules regarding the disposal of Beete timber received in the Government Timber Depots from the private holdings, the following instructions should be carried out:

(i) The Divisional Forest Officer on receipt of details of Rosewood logs delivered in the Depot shall pay 50 per cent of the provisional purchase price. The provisional purchase price for the various classifications of Rosewood timber may be proposed by the Chief Conservator of Forests to Government for sanction. The balance purchase price is to be paid to the owner after the concerned logs are sold in auction and the sale proceeds are realised, after deducting the following:

- (a) Ten per cent of the sale proceeds towards supervision charges.*
- (b) cost of felling, conversion, dragging, loading, transportation, unloading at the Depots, lotting and octroi or other municipal levies enroute,*
- (c) any other incidental cost.*

(ii) Government will constitute a Committee to go in-o the grievances concerning classification of the tree or timber on the basis of which 50 per cent of the provisional value is to be paid. The concerned owner of the tree should remit together with his application an Earnest Money Deposit of Rs. 1,000-00. If the appeal is proved to be baseless this amount would be forfeited to Government while if it is accepted by the Committee, after adjusting the expenditure incurred by the Committee on this specific enquiry the balance amount will be refunded.

(iii) The Rosewood logs received in the Depots under these rules should be arranged to be sold within 3 months from the date of receipt of the logs in the

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Depot. The owner of the timber should be informed of the sale and he will have the right to offer the final bid.

(iv) If the price received in the sale is less than the advance paid to the owner and the exploitation and supervision charges then the difference may be recovered from the owner within one week's time. This condition may be made known before payment of 50 per cent value is made. If this is not paid, the dues should be recovered as arrears of land revenue.

(v) The purchaser of Rosewood in auction sales should get clearance from the concerned Divisional Forest Officer as regards its tether disposal.

(vi) The responsibility over the Rosewood timber once it is taken over from the grower shall be of the Government and in case of theft or fire damage the value as per classification should be paid to the owner.

(vii) Any owner intending, to retain Beete timber for his bonafide personal use can be permitted to retain up to 10 cubic metres by the Chief Conservator of Forests or any officer authorised by him. This limit may be relaxed by Government in individual cases on merits."

7.2. *The submission of the Petitioner is that the trees that were felled by the Petitioner were so done without any supervision on part of the Respondents. All expenses were borne by the Petitioner as well as tax etc., and therefore there is no ground for the Respondents to deduct 10% of the sale proceeds as supervising charges.*

7.3. *The denial of the claim, and the valuation made on the ground that the age of the trees were older than that of the claim made by the Petitioner and therefore as on that date, the land being a Bane land and not Paradeena land, the said trees belonged to the Government and not the Petitioner and therefore, the Petitioner could not claim any interest in the said trees.*

7.4. *The aspect of ownership of land and the trees grown thereon has been dealt with in detail in WP No.55534/2013 and other connected matters. Subsequent to the amendment to sub-section (20) of Section 2 of the Karnataka Land Revenue Act, it is the*

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holder of the said Bane land or Jamma Bane land who would become an occupant with full ownership rights.

7.5. In the present case, the permission having been granted on 22.05.2015, the trees having been cut thereafter and transported to the Timber Depot, and an auction having been held on 29/30.11.2015 which is subsequent to the amendment to sub-section (20) of Section 2 of the Karnataka Land Revenue Act. The said amendment having come into force on 01.02.2013, every holder of the land is an occupant of the said land having full ownership.

7.6. Thus, in that view of the matter, whether the age of the trees was 34 years, greater or lesser than 34 years, is of no relevance. Since from the date on which the amendment came into force, the holder of the land is a full owner and the State would not have any right, title or interest in either the land or the trees grown on the said land. Albeit, if any permission is required to cut any particular/protected variety of trees, the owner would have to secure such requisite permission. That apart, there is no other manner of right, title or interest that the Government can claim as regards the said land or the trees grown on the said land.

7.7. I answer point no.1 by holding that subsequent to the amendment to sub-section (20) of Section 2 of the Karnataka Land Revenue Act, the holder of the land would become a full occupant. The State would not have any right, title or interest in the land or the trees and therefore cannot claim any amount on the trees felled in the said land."

7. On a careful reading of the aforesaid conclusions recorded by this Court, this Court is of the considered view that the finding recorded in paragraph No.7.6 squarely answers the objection raised by the State in the present case.

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8. This Court has categorically held that the age of the tree is of no consequence in view of the amendment brought to sub-section (20) of Section 2 of the Karnataka Land Revenue Act. The effect of the said amendment, as noticed by this Court, is that once the amendment is brought into force, the holder of the land becomes the absolute owner thereof with retrospective effect. Consequently, the State cannot assert any right, title or interest either over the land or over the trees standing and grown thereon. Thus, the finding recorded in paragraph No.7.6 goes to the root of the controversy and squarely governs the issue arising for consideration in the present petition.

9. In the said backdrop, once the petitioner is held to be the absolute owner of the land, the respondent, having felled the trees standing thereon, would be entitled to claim only such charges as are permissible in law, namely, to the extent of 10%, subject to the conditions

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stipulated under the applicable provisions. The Co-ordinate Bench, while answering point No.2, has considered this aspect in paragraph No.8.3 of its judgment rendered in W.P.No.52337/2016. It would, therefore, be apposite to extract paragraph No.8.3, which reads as under:

"8.3 The claim for the said 10% in terms of clause (a) of sub-rule (1) of Rule 153 can only be made if any of the above acts have been done by the authorities. Without doing so, no such claim or deduction could be levied by the Respondent's officials."

10. In the light of the law laid down by this Court in W.P.No.55534/2013 and connected matters, and the subsequent elucidation thereof by the Co-ordinate Bench in W.P.No.52337/2016, the stand taken by the respondent in the impugned endorsement cannot be sustained. The impugned endorsement, insofar as it proceeds on the premise that the petitioner is not entitled to the value of the trees felled from the land in question, is contrary to the aforesaid judgments of this Court and is, consequently, unsustainable in law.

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11. For the foregoing reasons, the writ petition deserves to be allowed. Accordingly, this Court proceeds to pass the following:

ORDER

(i) The writ petition is ***allowed***.

(ii) The impugned endorsement dated 24.02.2014 issued by the sole respondent at Annexure-E is hereby quashed.

(iii) The respondent shall be entitled to deduct/retain only such amount as is permissible in law in terms of paragraph No.8.3 extracted supra.

(iv) Consequently, the balance amount payable towards the value of the trees felled from the petitioner's land shall be released/refunded to the petitioner, after making only the permissible deduction, if any.

(v) The aforesaid exercise shall be completed by the respondent within a period

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of six weeks from the date of receipt of a copy
of this order.

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(SACHIN SHANKAR MAGADUM)
JUDGE

NBM
List No.: 1 SI No.: 23