



CNR: KAHC010088012022

NC: 2026:KHC:46191-DB
WP No. 4337 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO. 4337 OF 2022 (KLR-RES-PIL)

BETWEEN:

1. SRI VANADURGA RAITA SHAKTHI GUMPU
HALAGERI KAMBADAKONE VILLGE
BYNDOOR TQ.
UDUPI DISTRICT - 576 219
REP BY CONVERNER
2. U PRABHAKAR SHETTY
S/OLT SIDDHAYYA SHETTY
AGED ABOUT 72 YEARS
CONVERNOER OF SRI
VANADURGA RAITA SHAKTHI GUMPU
U.P.SHETTY COMPOUND
HALAGERI KAMBADAKONE VILLGE
BYNDOOR TQ, UDUPI DIST - 576 219
3. RAMAKRISHNA KARANTH
S/O LATE VASUDEVA KARANTH
AGED ABOUT 62 YEARS
VICE CONVENER OF SRI
VANADRUGA RAITHA SHAKTHI GUMPU
HALAGERI, KAMBADAKONE VILLGE
BYNDOOR TQ, UDUPI DIST - 576 219



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4. MANJUNATHA GANIGA
S/O LATE NARAYANA GANIGA UDDABETTY
AGED ABOUT 57 YEARS
HALAGERI, KAMBADAKONE VILLAGE
BYNDOOR TQ
UDUPI DIST - 576 219
5. SHOBHA S SHETTY
W/O SEETHARAM SHETTY
AGED ABOUT 48 YEARS
HADIMANE, HALAGERI
KAMBADAKONE VILLGE
BYNDOOR TQ
UDUPI DIST - 576 219
6. NAGENDRA GANIGA
S/O MUTTHA GANIGA
AGED ABOUT 35 YEARS
TEMPLE ROAD, HALAGERI
KAMBADAKONE VILLAGE
BYNDOOR TQ
UDUPI DIST - 576 219

...PETITIONERS

(BY SRI PRAKASH SHETTY S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
MINISTRY OF FOREST AND ENVIRONMENT
MULTISTORIED BUILDING
BANGALORE - 560 001
BY ITS SECRETARY
2. STATE OF KARNATAKA
MINISTRY OF REVENUE
MULTISTORIED BUILDING
BANGALORE - 560 001
BY ITS REVENUE SECRETARY



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3. DEPUTY COMMISSIONER
UDUPI DISTRICT
UDUPI - 576 104
4. ASSTISTANT COMMISSIONER
KUNDAPURA SUB DIVIOSN
KUNDAPURA TALUK
UDUPI DISTRICT - 576 201
5. THASILDAR
BYNDOOR TALUK
UDUPI DISTRICT - 576 214
6. DEPUTY CONSERVATOR OF FOREST
KUNAPURA SUB-DIVISION
KUNDAPURA TALUK
UDUPI DISTRICT - 576 201
7. GRAMA PANCHAYATH
KAMBADAKONE VILLAGE
BYNDOOR TALUK
UDUPI DISTRICT - 576 219
REP BY ITS CEO

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-1 TO R-6,
SRI S.M. ANFAL, ADVOCATE FOR
SRI K. PRASANNA SHETTY, ADVOCATE FOR R-7)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO CALL FOR
RECORDS PERTAIN TO ANNEXURES-E, F AND P PASSED BY
THE RESPONDENTS 2 AND 3 AND ISSUE WRIT, ORDER,
DIRECTION OR WRIT OF CERTIORARI TO QUASH ORDER
ANNEXURE-P DATED 26/11/2021 BEARING NO.A D S L N D



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PDR.CR/21/2021/E 63035 PASSED BY THE 3RD RESPONDENT AND ANNEXURE-E DATED 18/05/2021 MADE IN BEARING NO.KAM E 42 LGA 2021 AND ANNEXURE-F DATED 20/05/2021 BEARING NO.KAM E 42 LGA 2021 PASSED BY THE 2ND RESPONDENT & ETC.

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioners have filed the present petition as a public interest litigation, impugning the orders/notifications dated 18.05.2021 and 20.05.2021 passed by respondent No.2 and the order/notification dated 26.11.2021 passed by respondent No.3 (hereafter referred to as **impugned orders**).

2. The impugned order dated 18.05.2021 is a notification issued under Section 68(1) of the Karnataka Land Revenue Act, 1964 and Rule 96 of the Karnataka Land Revenue Rules, 1966, declaring that the subject land (53 acres falling in Survey No.166/P1 of



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Kambadakone village, Byndoor Taluk, Udupi District) was required for public purpose and that rights of public and all other persons in the subject land would cease. It further informed that any person claiming interest or right in respect to the subject land could file an objection within a period of 30 days from the date of the said notification.

3. In terms of the impugned order dated 20.05.2021, the subject land was converted to industrial zone and reserved for developing the District Industrial Centre. It was notified that the subject land was removed from '*Porambokku*' under Section 68(1) of the Karnataka Land Revenue Act, 1964 and Form No.27 of the Karnataka Land Revenue Rules, 1966.

4. In terms of the impugned order dated 26.11.2021, the subject land was reserved for forming a Seafood Park in the name of the Fishery Department on certain terms and conditions, including that the subject land be utilised for the purpose within a period of 2 years from the date of preserving the same.

5. The petitioners contend that the subject land is a forest and is under the control of the Forest Department. It is also contended



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that no permission under Section 2 of the Forest Conservation Act, 1980 [Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980] has been secured and therefore the said forest land cannot be diverted for non-forest purposes. The petitioners have also produced photographs of the subject land which indicate that it is covered by dense vegetation and a large number of trees.

6. In the aforesaid context, this Court passed an order dated 31.07.2025, directing the Principal Conservator of Forests to file a personal affidavit, *inter alia*, affirming that the photographs which are annexed to the petition, which reflect that the subject land is a thick forest, are not of the area that is being converted for industrial purposes. The Court had also directed the Principal Conservator of Forests to file colour photographs of the entire area reflecting the cover of vegetation.

7. In compliance with the said order, the Principal Conservator of Forests has filed an affidavit, *inter alia*, affirming as under:

“2. I respectfully submit that as per the directions so issued by this Hon'ble Court, a spot inspection of the entire area of Sy.No.166/P1 of Kambadakone Village, Byndoor Taluk, Udupi District, measuring 53 acres was conducted by the Deputy Conservator of Forests



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(Kundapura) and Deputy Conservator of Forests, Social Forestry, Udupi District on 06.09.2025. A Social Forestry Plantation has been raised on the Government land to an extent of 50 acres by a wing of the Forest Department i.e. Social Forestry Division, Udupi over an extent of 37.06 acres during the year 2002-2003 under the scheme "Hechhuvari Rajyavaaru Samajika Aranya Yojane". During the year 2005-2006 under another scheme "Sampurna Gramina Rozgar Scheme", a plantation was raised on 12.35 acres. At the time of raising the plantation, the plants/saplings such as Acacia (Acacia auriculiformis), numbering 15165 and mixed species of saplings (1500) were planted in the said 37.06 acres. In another extent of 12.35 acres, 7500 saplings belonging to the species, Acacia Springvale (7,500 Nos.) have been planted. This plantation is now more than 20 years old and it has not been harvested.

3. I respectfully submit that the photographs annexed to the Petition i.e. Annexures 'N', 'N1' and 'N2' are all aerial photographs of this entire location of 53 acres of land in Sy.No.166/P1 of Kambadakone Village, which has been reserved for the Sea Food Park / Aqua Park. It is further submitted that the photographs produced in the present petition clearly indicate the thick forest in the area and are the recent photographs of the said land parcel where plantation has been raised."

8. Thus, there is no dispute that the photographs annexed with the petition, which reflect the same to be a thick forest, are in fact the real photographs of the subject land.

9. Further, it is affirmed by the Principal Conservator of Forests that a part of the subject land was covered under the schemes of Social Forestry. In addition, the Principal Conservator has also affirmed that, in terms of Government Order No.FEE 185 FAF 2011,



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Bangalore, dated 15.05.2014, all plantations on the government lands of an area of 2.00 hectares and above with a density of 100 plants/hectare and above are required to be considered as deemed forest (Forests as understood in the dictionary sense).

10. On the basis of the said criteria, the subject land is required to be classified as a forest as it is found that there are more than 300 trees per hectare in the said area, which is far in excess of the threshold of 100 plants/hectare, as specified in the Government Order dated 15.05.2014.

11. We may also refer to the following observations of the Supreme Court in the case of **T.N.Godavarman Thirumulkpad v. Union of India and others**¹:

“4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term “forest land”, occurring in Section 2, will not

¹ (1997) 2 SCC 267



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only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works v. State of Gujarat*, *Rural Litigation and Entitlement Kendra v. State of U.P.* and recently in the order dated 29-11-1996 (*Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority*). The earlier decision of this Court in *State of Bihar v. Bansi Ram Modi* has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this Court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay.”

12. The Supreme Court had amply clarified the meaning of the word ‘Forest’ as used in the Forest Conservation Act, 1980 and that prior approval of the Central Government was required for any non-forest activity within the forest.

13. Since the subject land is a forest within the general meaning of the said term, no non-forest activities can be permitted without



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the express permission of the Central Government under the Van
(Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

14. In view of the above, the present petition is allowed and the
impugned orders to the effect of diverting the subject land for non-
forest purposes, are set aside.

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

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

KMV
List No.: 2 Sl No.: 27