



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 5039 OF 2022 (GM-FOR)

BETWEEN:

SRI VENKATASWAMY
S/O LATE GANGAPPA
AGED ABOUT 60 YEARS
R/AT AMBEDKAR NAGAR
KAIWARA, CHINTAMANI TALUK
CHICKKABALALPURA DISTRICT 563125

...PETITIONER

(BY SRI. M N VENKATA REDDY.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF FOREST
VIDHANA SOUDAH
BANGALORE - 560 001.
2. THE CHIEF CONSERVATOR OF FOREST
AND FOREST APPELLATE TRIBUNAL AUTHORITY
(REGIONAL) CIRCLE
VANAVIKASA, 18TH CROSS
MALLESHWRAM
BANGALORE - 560 003.
3. ASST. CONSERVATOR OF FORESTS
CHINTAMANI SUB DIVISION
CHINTAMANI
CHIKKABALLALPURA DISTRICT - 563 125.



4. THE RANGE FOREST OFFICER
CHINTAMANI
CHIKKABALLAPURA DISTRICT - 563 125.

...RESPONDENTS
(BY SRI. MAHANTESH SHETTAR., AGA FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDERS DATED 11.07.2019 PASSED BY THE R-3 VIDE ANNEXURE-Q AND ORDER DATED 17.01.2022 PASSED BY R-2 VIDE ANNEXURE-R.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

Land in Sy.No.51, Old Sy.No.38, Re.Sy.No.38/P1, measuring 1 acre 10 guntas situated at Chapura Village, Kaiwara Hobli, Chintamani Taluk, which was purportedly subject matter of a grant made in the name of late A.D Gangappa, the father of the petitioner on 06.10.1978, is sought to be taken over by the respondents-forest department on the premise of the said land being part of declared State Forest. Being aggrieved, the present petition.



2. Learned counsel for the petitioner taking this Court to the records submits that ever since the grant dated 06.10.1978 followed by issuance of a grant certificate as per Annexure-B, the father of the petitioner and upon his demise, his descendants including the petitioners have been in peaceful possession and enjoyment of the same. He submits Survey department and the revenue authorities have also conducted survey and have assigned sub-survey numbers and new survey numbers as noted above to the said land. Petitioners have been growing Raagi and cashew nuts in the said land.

3. Things stood thus, respondent No.3 had issued a notice under Section 64-A of the Karnataka Forest Act, 1963. Petitioner had submitted the reply before the Respondent No.3 and all the documents in justification of his claim of the land being their absolute property and not forming part of the State forest. However, such contention of the petitioner have been negated by the respondent No.4 vide order dated 11.07.2019. An appeal in this regard was also filed by the petitioner under Section 64-A(3) of the Karnataka Forest Act, 1963, before the respondent No.2, which also resulted in its dismissal vide order dated 17.01.2022 as per Annexure-R. Being aggrieved by the same, present petition.



4. Learned AGA referring to the statement of objections and the documents annexed therewith submits that Chapura Village of Kaiwara Hobli, and an extent of 96 acres of land in Sy.No.38 situated in the said village were notified as State Forest as far back as on 03.06.1936. That a statement of land taken up for Kaiwara State Forest in Chintamani Taluk was also published as per Annexure-R2, giving specific details, boundaries and extent of the land which are taken over as State Forest. He submits since the land being claimed by the petitioner, formed part of the said notification, the revenue authorities had no jurisdiction to grant the same.

5. He submits the settled position of law in terms of the law laid down by the Apex Court in the case of **STATE OF KARNATAKA V. I.S. NIRVANE GOWDA**, reported in **(2007) 15 SCC 744** and **NARINDER SINGH VS. DIVESH BHOOTANI** reported in **(2023) 17 SCC 779**, that once the land is classified as a State Forest land, revenue authorities lose their authority/ jurisdiction over such land and they cannot issue any grant orders and revenue entries made pursuant to any grant order would be of no consequences. Therefore, he submits that the Respondent Nos.2 and 3 were justified in declining the claim of the petitioner.



6. Heard. Perused the records.

7. Annexure-R1 to the writ petition is a Notification dated 03.06.1936 issued apparently in terms of Section 17 of the Mysore Forest Regulation (XI of 1900), notifying the lands described in the Schedule appended thereto as State Forest. Annexure-R2 is the Schedule. Second page of Annexure-R2 refers to Chapura Village, where extent of the land of the entire village is Sy.No.38, extent of the said Survey number forming part of the Gomala land, extent of the land which is sought to be notified is also mentioned. It is however not clear as to the actual extent of the land which is taken and declared as a 'State Forest'.

8. Impugned order passed by the respondent No.3 dated 11.07.2019 vide Annexure-Q and the order passed by the respondent No.2 dated 17.01.2022 vide Annexure-R do not advert to this aspect of the matter. There may not be any difficulty in certain extent of land of Chapura Village having been declared and notified as a 'State Forest', but the fact remains whether or not the land being claimed by the petitioner formed part of the said 'State Forest' area is not forthcoming. It is also not clear whether the respondent-authorities had conducted survey of the forest area and had found the land being claimed by the petitioner fell



within the boundaries of the said forest area. This aspect of the matter requires determination at the hands of the respondent-authorities. Only then can the respondent-authorities preclude petitioner from claiming his right over the property.

9. Learned AGA, at this juncture submits that given an opportunity a joint survey will be conducted identifying whether land being claimed by the petitioner.

10. Submission placed on record.

11. In that view of the matter, following;

ORDER

(i) Petition is ***disposed of.***

(ii) The impugned orders dated 11.07.2019 passed by the respondent No.3 vide Annexure-Q and the order dated 17.01.2022 passed by the respondent No.2 vide Annexure-R are set aside.

(iii) Matter is remitted to the Respondent No.3, who shall conduct joint survey in the presence of the petitioner with reference to the records maintained by the Revenue Department and the records maintained by the Forest Department and prepare a separate



sketch pertaining to the land belonging to petitioner and thereafter come to the conclusion if the land being claimed by the petitioner falls within the boundaries of the State Forest, if not petitioner shall not be troubled. Such exercise shall be conducted and appropriate order shall be passed within an outer limit of 3 months thereafter.

(iv) Since the petitioner is represented by the counsel, petitioner shall appear before the respondent No.3 on **03.08.2026** without any further notice.

(v) Till such time no precipitative actions shall be taken against the petitioners.

Sd/-
(M.G.S. KAMAL)
JUDGE