



CNR: KAHC010112542024

NC: 2026:KHC:39829
WP No. 6411 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 6411 OF 2024 (KLR-RES)

BETWEEN:

1. SMT. SULOCHANAMMA
W/O LATE HARANATH
AGED ABOUT 80 YEARS
R/AT SHREE BENAKA, M.I.G. NO.1/6
3RD MAIN ROAD, K.H.B. QUARTERS LANE
1ST STAGE, KALLAHALLI, VINOBBHANAGARA
SHIVAMOGGA.

REP BY HER GPA HOLDER
SRI. RANGANATH S.H.
S/O LATE HARANATH
AGED ABOUT 55 YEARS
R/AT SHREE BENAKA, M.I.G. NO.1/6
3RD MAIN ROAD, K.H.B. QUARTERS LANE
1ST STAGE, KALLAHALLI, VINOBBHANAGARA
SHIVAMOGGA.

...PETITIONER

(BY SRI. H. KANTHARAJ, SENIOR ADVOCATE FOR
SRI. H. DAYANANDA SARASWATHI, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE
M.S.BUILDING, DR.AMBEDKAR VEEDHI
BENGALURU-560001
REPRESENTED BY ITS PRINCIPAL SECRETARY

Digitally signed
by CHAYA S A
Location: HIGH
COURT OF
KARNATAKA



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2. THE DEPUTY COMMISSIONER
SHIVAMOGGA DISTRICT
SHIVAMOGGA-577 201.
3. THE ASSISTANT COMMISSIONER
SHIVAMOGGA SUB DIVISION
SHIVAMOGGA-577 201.
4. THE TAHSILDAR
THIRTHAHALLI TALUK
THIRTHAHALLI-577 432.
SHIVAMOGGA DISTRICT.
5. THE RANGE FOREST OFFICER
MANDAGADDE RANGE
THIRTHAHALLI TALUK-577 432.
SHIVAMOGGA DISTRICT.

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 23.01.2013 IN CASE NO. LRF.CR.95/2012-13 PASSED BY THE R-2 DEPUTY COMMISSIONER, SHIVAMOGGA DISTRICT, SHIVAMOGGA PRODUCED AT ANNEX-H TO THE WRIT PETITION.

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

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

ORAL ORDER

In this writ petition, the petitioner is assailing the order dated 23.01.2013 (Annexure-H) in case



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No.LRF.CR.95/2012-13 passed by respondent No.2 -
Deputy Commissioner.

2. Sri.H.Kantharaj, learned Senior Counsel appearing on behalf of Sri.H.Dayananda Saraswathi, learned counsel appearing for the petitioner, submitted that the petitioner was not aware of the order dated 23.01.2013 (Annexure-H) passed by respondent No.2. He further submitted that based on the letter dated 21.01.2013 addressed by respondent No.5, respondent No.2 has passed the impugned order at Annexure-H without affording an opportunity of hearing to the petitioner and therefore, it is contended by the learned Senior Counsel appearing for the petitioner that since the land in question is an *inam* land, the rights of the petitioner has to be safeguarded. Accordingly, sought for interference of this Court.

3. It is also argued by the learned Senior Counsel appearing for the petitioner by placing the reliance on the



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judgment of this Court in the case of ***V.Sampangi Ramaiah vs. The Director/Commissioner, Department of Mines and Geology, Bangalore and others*** reported in ***2012 SCC OnLine Kar 8879*** and contended that since no notification has been issued by respondent - Authorities specifically declaring the land in question as a reserved forest, the findings recorded by respondent No.2 require to be interfered with.

4. *Per contra*, Smt.B.P.Radha, learned AGA appearing for the State reiterated the averments made in the statement of objections and further contended that the entire land in question is thickly surrounded by forest zone and therefore, there is no infirmity in the impugned order at Annexure-H to the writ petition. It is also argued by the learned AGA that the petitioner herein has not challenged the preliminary Notification dated 17.12.1981 passed under Section 4(1) of the Karnataka Forest Act, 1963 and therefore, learned AGA sought for dismissal of the writ petition.



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5. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the impugned order at Annexure-H, it would indicate that respondent No.2, based on the letter dated 21.01.2013 addressed by respondent No.5, has proceeded to pass the impugned order dated 23.01.2013 immediately after two days, without affording an opportunity of hearing to the petitioner herein to say in the matter. In that view of the matter, I find force in the submission made by the learned Senior Counsel appearing for the petitioner.

6. Though the learned AGA has submitted that the petitioner herein has not challenged the preliminary Notification issued under the provisions of the Karnataka Forest Act, 1963, however, this Court in the case of *V.Sampangi Ramaiah (cited supra)* has held that there was a lapse on the part of the respondent - Authority in not issuing the appropriate Notification as contemplated under



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Section 4(1) of the Act. However, I am of the view that the matter requires to be remitted to respondent No.2 to reconsider the issue afresh after affording an opportunity of hearing to all the parties concerned and thereafter, take decision in the matter in accordance with law. Even though the learned AGA has submitted that there is a delay in challenging the impugned order at Annexure-H, however, considering the right of the petitioner under Article 300A of the Constitution of India, as the impugned order at Annexure-H has been passed without hearing the petitioner, I am of the view that the contentions raised by the learned AGA cannot be accepted.

7. Accordingly, I proceed to pass the following;

ORDER

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

(ii) The order dated 23.01.2013 passed by respondent No.2 - Deputy Commissioner in case No.LRF.CR.95/



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2012-13 is hereby set-aside, in terms of the observations made above.

(iii) In order to avoid further delay in the matter, the petitioner and respondent No.5 are directed to appear before respondent No.2 - Deputy Commissioner on 25.08.2026 at 3.00 p.m. along with all the relevant documents to establish their respective rights over the land in question.

(iv) All the contentions of the parties are kept open.

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