



CNR: KAHC010264002024

NC: 2026:KHC:44445
WP No. 14089 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 14089 OF 2024 (GM-FOR)

BETWEEN:

1. SRI HARISHCHANDRA PAI
S/O LATE CHANDRASHEKARA PAI,
AGED ABOUT 69 YEARS,
PLANTER,
RESIDENT OF POOJA ESTATE,
KODAGERAHALLI VILLAGE,
SUNTIKOPPA HOBLI,
KUSHALANAGAR TALUK,
KODAGU DISTRICT-571 237
KARNATAKA,
REPRESENTED BY GPA HOLDER,
SRI N.S. SHYAMKUMAR.
2. SMT. NIRUPAMA PAI
W/O HARISHCHANDRA PAI,
AGED ABOUT 61 YEARS,
RESIDENT OF POOJA ESTATE,
KODAGERAHALLI VILLAGE,
SUNTIKOPPA HOBLI,
KUSHALANAGAR TALUK,
KODAGU DISTRICT-571 237
KARNATAKA,
REPRESENTED BY GPA HOLDER,
SRI N.S. SHYAMKUMAR.
3. SRI N S SHYAMKUMAR
S/O LATE N K SHEKARAN,
AGED ABOUT 66 YEARS,
R/O JUNIOR COLLEGE GROUNDS,
CHIKPET, VIRAJPET,

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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KODAGU DISTRICT-571 218
KARNATAKA.

... PETITIONERS

(BY SRI. PRABHAKAR M B., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY
CHIEF SECRETARY TO GOVT.,
ROOM NO.320, 3RD FLOOR,
VIDHANA SOUDHA,
BENGALURU-560 001
KARNATAKA.
2. THE PRINCIPAL SECRETARY TO GOVT
DEPARTMENT OF FOREST,
ECOLOGY AND ENVIRONMENT,
M.S.BUILDING,
BENGALURU-560 001
KARNATAKA.
3. THE DEPUTY CONSERVATOR OF FOREST
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST,
MADIKERI DIVISION, MADIKERI,
KODAGU DISTRICT,
KARNATAKA - 571 201.

... RESPONDENTS

(BY SMT. SARITHA KULKARNI, AGA FOR R1 TO R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) CALL FOR RECORDS AND ISSUE A WRIT OF MANDAMUS DIRECTING THE R3 TO RELEASE AND PAY THE ENTIRE AMOUNT OF SALE PROCEEDS, RECEIVED THROUGH THE AUCTION SALE OF BITE (ROSEWOOD), TIMBER, BILLETS AND FIREWOOD BELONGING TO THE PETITIONERS IN THE SALE HELD ON 05/08/2021, 11/08/2021, 18/11/2021, 24/11/2021, 09/05/2022 WITH INTEREST AT 18% FROM THE DATE OF RECEIPT OF SALE PROCEEDS TILL THE DATE OF PAYMENT, DEDUCTING THE PARTIAL AMOUNT ALREADY PAID AND 10% SERVICE CHARGES AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



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ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:

- (a) *Call for records and Issue a writ of Mandamus directing the 3rd Respondent to release and pay the entire amount of sale proceeds, received through the auction sale of Bite (Rosewood), Timber, Billets and Firewood belonging to the Petitioners in the sale held on 05/08/2021, 11/08/2021, 18/11/2021, 24/11/2021, 09/05/2022 with interest at 18% from the date of receipt of sale proceeds till the date of payment, deducting the partial amount already paid and 10% service charges.*
- (b) *Issue a writ of mandamus or direction directing the 3rd Respondent to pay 50% of sale proceeds of all the timber, Jungle wood, Bite timber, Billets and firewood of over girth trees existed prior to Paradeena tenure, sold in auction sale held on 05/08/2021, 11/08/2021, 18/11/2021, 24/11/2021, 09/05/2022, along with interest at 18% from the date of receipt of sale value till the date of payment.*
- (c) *Issue a writ or order or direction, directing the 3rd respondent to release and pay the petitioner the balance sale proceeds of Rs. 1,00,33,951/- with interest at 18% from the date of sale till the date of payment.*
- (d) *Issue a writ or direction or any other consequential orders as this Hon'ble Court deems fit in the circumstances with cost.*



2. Though various submissions have been made by learned counsel for the petitioners as regards the manner of calculation of the value of the trees including the increase in the girth rate year on year and the entitlement of the petitioner, the fact remains that there is no order which has been passed by the respondents either accepting or rejecting the claims made by the petitioner.
3. Further arguments which are sought to be addressed by learned counsel for the petitioners are more in the realm of assumption and presumption as regards the quantification and entitlement. Since his submission is that the respondents may not accept the earlier government order which had been passed, that cannot be decided by this Court on that basis.
4. The sale of timber, billets and fire woods having occurred in between August, 2021 to May 2022, a demand having been made by the petitioners as regards the amounts due to the petitioners, it was but required for the respondents to have passed necessary orders, quantifying the amounts which are due, pay the same and if there are any claims which are not acceptable to the respondents to reject the same by a reasoned order.



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5. The matter being pending for last 5 years without any order being passed, the petitioners are unable to go ahead with the claims that they may have.
6. In that way of the matter, the above petition is ***disposed*** directing the respondents to pass necessary orders on the claim made by the petitioners within a period of 30 days from the date of receipt of a copy of this order, as per the applicable law.
7. All contents of the petitioners are left open.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

KTY
List No.: 1 Sl No.: 31