



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 13433 OF 2026 (GM-FOR)

BETWEEN:

M/S. A.B. INDUSRIES
REPRESENTED BY ITS PARTNER.
MR. MOHAMMED ABBU BAKKER,
S/O. MOHAMMED SAIFULLA,
AGED ABOUT 36 YEARS,
NO. 174/3, VARAKODU VILLAGE.
VARUNA HOBLI, MYSURU-570 010.
PARTNERSHIP CONCERN.

...PETITIONER

(BY SRI. N. DINESH RAO, ADVOCATE)

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by
SHARADAVANI
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Location: High
Court of
Karnataka

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF FOREST,
M.S. BUILDING,
BANGALORE - 560 001.
2. THE DEPUTY CONSERVATOR OF FOREST,
ARANYA BHAVANA, MYSURU DIVISION,
ASHOKAPURAM, 6TH CROSS,



MYSURU - 570 008.

3. THE RANGE FOREST OFFICER,
MYSURU RANGE,
MYSURU - 570 008.
4. ADDITIONAL CHIEF PRINCIPAL
CONSERVATOR OF FOREST,
(FOREST CONSERVATION AND MANAGEMENT),
ARANYA BHAVANA,
18TH CROSS, MALLESHWARAM,
BANGALORE - 560 003.

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE RESPONDENT NOS. 2 TO 4 TO IMPLEMENT CIRCULAR-II BEARING NO. KFD/FRM/A6(SAWM)/9/2022-FRM-KFD E-754114 DATED 05/03/2026, COPY OF WHICH IS PRODUCED AS ANNEXURE C, AND DECLARE THE PETITIONER UNIT AS ONE WHICH DOES NOT REQUIRE ANY LICENCE UNDER RULE 163 OF THE KARNATAKA FOREST RULES, 1969. AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

The captioned petition is filed seeking the following reliefs:

- a) ISSUE a writ, direction or order including writ of Mandamus directing the Respondent Nos.2 to 4 to implement Circular-II bearing No.KFD/FRM/A6(SAWM)/9/2022-FRM-KDD E-754114 dated 05/03/2026, copy of which is produced as Annexure C, and declare the petitioner unit as one which does not require any licence under Rule 163 of the Karnataka Forest Rules, 1969, and*
- b) Grant such other and further reliefs as this Hon'ble Court deems fit under the circumstances of the case in the interest of justice and equity.*

2. The petitioner, a registered proprietorship concern, asserts that it is engaged in the activity of chipping wood and converting the same into pellets and small pieces, which are thereafter utilized as firewood in industrial boilers. It is the specific case of the petitioner that the raw material used in the said process is confined exclusively to sawmill waste and wood derived from certain categories of trees such as eucalyptus, neem, silver oak, etc., which are stated to be "no permit trees" and are exempted from the rigour of the Karnataka Forest Act, 1963 (hereinafter referred to as "the Act").



3. Placing reliance on the aforesaid factual foundation, learned counsel appearing for the petitioner would vehemently contend that the petitioner's unit squarely falls within the ambit of a "secondary wood based industry" as defined under Rule 2(6-D) of the Karnataka Forest Rules, 1969. It is thus contended that such an industry being dependent only on processed or waste wood and not on primary forest produce, does not require a licence under the statutory framework. In support of the said submission, learned counsel has also placed reliance on the relevant departmental circular governing the field.

4. Per contra, learned Additional Government Advocate, drawing the attention of this Court to the proceedings of the 11th Meeting of the State Level Committee constituted under the Wood Based Industries (Establishment and Regulation) Guidelines, 2016, as amended on 11.09.2017, would submit that even in respect of industries dealing with exempted categories of trees, the matter is still under active consideration of the Committee, which is presently awaiting revised project



proposals. On that premise, it is contended that the petitioner cannot claim an automatic exemption from regulatory scrutiny.

5. Having heard the learned counsel appearing for the parties and on perusal of the material placed on record, this Court is of the considered view that the controversy does not warrant an adjudication on disputed questions at this stage. The core issue lies in the consideration of the petitioner's application by the competent authority in the light of Circular-II dated 05.03.2026 issued by the Principal Chief Conservator of Forests. The said circular, in unequivocal terms, clarifies that industries falling within the definition of "secondary wood based industries" may not require a licence; however, the determination of such status is to be undertaken by the competent authority upon due verification of the parameters prescribed therein.

6. In that view of the matter, it is incumbent upon respondent No.2, being the jurisdictional authority, to process and examine the application submitted by the petitioner strictly in consonance with the said circular. The authority is required to assess whether the petitioner's unit satisfies the criteria



prescribed for classification as a secondary wood based industry and consequently determine whether the requirement of licence stands obviated.

7. This Court also finds that the petitioner has made a categorical statement on oath asserting that its unit answers the description of a secondary wood based industry under the Rules. Such assertion, coupled with the pendency of the application before respondent No.2, confers upon the petitioner a legitimate right to seek consideration of its case in accordance with law. Correspondingly, respondent No.2 is statutorily obligated to entertain the application, conduct a necessary enquiry, evaluate the relevant parameters and take an informed decision in a time-bound manner.

8. For the foregoing reasons and in order to ensure expeditious consideration of the petitioner's claim, this Court deems it appropriate to dispose of the writ petition with the following:

ORDER

(i) The writ petition is hereby ***allowed***;



(ii) Respondent No.2 is directed to issue the requisite application format, if not already issued, and thereafter consider the case of the petitioner's unit for classification as a "secondary wood based industry", by conducting an enquiry in strict compliance with the provisions of the Karnataka Forest Rules, 1969 read with Circular-II dated 05.03.2026;

(iii) While undertaking the said exercise, respondent No.2 shall advert to the parameters and guidelines stipulated in the aforesaid circular and pass a reasoned order as to whether the petitioner's unit requires a licence or is exempt therefrom;

(iv) The entire exercise shall be completed within an outer limit of four (4) weeks from the date of receipt of a certified copy of this order.

(v) It is made clear that all contentions of the parties are kept open and no opinion is expressed on the merits of the claim.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE