



CNR: KAHC010319032023

NC: 2026:KHC:49765
WP No. 13576 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 13576 OF 2023 (GM-FOR)

BETWEEN:

V. SACHIDANANDA SHETTY
S/O LATE KRISHNAPPA SHETTY
AGED ABOUT 58 YEARS
DOOR NO.304-1/IX WARD
SHRI JAYADURGA
OPP. HOTEL HARIPRASAD, NH-66
VADERAHOBOLI POST
KUNDAPURA, UDUPI DISTRICT
PIN-576 201

...PETITIONER

(BY SRI: M E NAGESH, ADVOCATE)

AND:

Digitally signed by
PAVITHRA B
Location: HIGH
COURT OF
KARNATAKA

1. NATIONAL HIGHWAYS AUTHORITY OF INDIA
(MINISTRY OF ROAD TRANSPORT
AND HIGHWAYS)
PROJECT IMPLEMENTATION UNIT
NEAR PUMPWELL, KANKANADY
MANGALURU-575 002
BY ITS DIRECTOR
2. THE ASSISTANT FOREST CONSERVATOR
KUNDAPUR DIVISION
KUNDAPUR
UDUPI DISTRICT-576 201
3. THE RANGE FOREST OFFICER
KUNDAPUR



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UDUPI DISTRICT
PIN-576201

4. THE DEPUTY CONSERVATOR OF FORESTS
KUNDAPUR DIVISION, KUNDAPUR
UDUPI DISTRICT-576 201

...RESPONDENTS

(BY SMT: SHILPA SHAH, ADVOCATE FOR R1 [VC];
SRI: DEVARAJ C H, GOVERNMENT ADVOCATE FOR
R2 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS AND QUASH THE ORDER PASSED BY THE DEPUTY ASSISTANT CONSERVATOR OF FOREST, THE RESPONDENT NO.4 DATED 10.4.2023 IN NO.C2/GR/V.VA-18/2012-13, AS PER ANNEX-H AND TO ALLOW THE PETITIONER TO TAKE AWAY THE TEAKWOOD TIMBER AND FIRE WOOD WHICH ARE IN THE CUSTODY OF THE RESPONDENT NO.2 AS PER ANNEXRE-E DATED 14.11.2018 IN NO.RFO/KPR/NH/V.VA-08/2018-19 OR THE MARKET VALUE OF THE TIMBER.

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

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA



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ORAL ORDER

The petitioner is before this Court seeking the following prayers:

a) *Call for records.*

b) *And to quash the order passed by the Deputy Conservator of Forest, the 4th respondent dated 10.04.2023 in No.C2/GR/V/Va-18/2012013 as per Annexure-H'*

c) *And to allow the petitioner to take away the Teakwood timber and fire wood which are in the custody of the 2nd respondent as per Annexure-E dated 14.11.2018 in No.RFO/KPR/NH/V.VA-08/2018-19 or the market value of the Timber.*

d) *And for any order or direction as this Hon'ble Court deems fit to pass in the interest of justice."*

2. It is the case of the petitioner that he has participated in the auction proceedings conducted by respondent No.1 through tender Notification dated 05.05.2014. The name of the work for which the petitioner has participated is as follows:



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"Taking away the Salvage in the form of Timber & Fire wood of Felled Trees in the road alignment (In Non-Forest area) from km.241.500 to Km.283.300 (Uttara Kannada District Border to Kundapur section) of NH-66 (earlier NH-17) in Udupi District in the State of Karnataka."

3. Since the petitioner was the successful bidder to undertake the aforesaid work, the letter of acceptance was issued by respondent No.1 on 04.06.2014 at Annexure-B, by which, the petitioner was called upon to pay Rs.46,67,850/-. Upon payment of the said amount, an agreement was entered into by the petitioner and respondent No.1. Since it is the requirement under the tender Notification that the successful bidder shall approach the Forest Department and seek necessary permission for cutting and transportation of the trees, accordingly, pursuant to the communication of respondent No.1, respondent No.4 issued an official memorandum dated 15.07.2014 permitting cutting of the trees and imposed a condition that insofar as the reserved trees i.e., rosewood and teakwood the felled tree logs shall be shifted to



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the Vandse Forest Depot. Accordingly, the petitioner has shifted the rosewood and teakwood logs to the Vandse Forest Depot.

4. Thereafter, the petitioner has sought for release of the said rosewood and teakwood logs, which was in the custody of the Forest Department. When the said request for release of the logs was not considered, the petitioner had approached this court in Writ Petition No.6265 of 2020, challenging the conditions stipulated in the official Memorandum dated 15.07.2014 and also seeking permission to take away the teakwood timber and rosewood, which was in the custody of respondent No.3. The said writ petition was disposed of, permitting the petitioner to approach the respondent authorities by submitting the representation or the application.

5. It is pursuant to the said liberty granted, the petitioner has approached respondent No.4 with a request to release the rosewood and teakwood logs. In response to the said request, respondent No.4 has issued an endorsement dated 10.04.2023 rejecting the request of the petitioner for release of the logs and further holding that the rosewood and teakwood logs were removed on account of widening of the



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National Highway and the trees does belongs to the State and therefore, the same cannot be released. It is the said endorsement, which is called in question in the present writ petition.

6. Learned counsel for the petitioner has contended that the trees which were cut by the petitioner is pursuant to the auction conducted by respondent No.1 - NHAI and petitioner has paid a sum of Rs.46,67,850/- to the NHAI for cutting and removal of the standing trees in the lands which were used for widening of the National Highway. Therefore, the petitioner is entitled for the release of logs, which are in the custody of respondent No.3. The State Government or the Forest Department have no right over the trees which were in the private land, which was acquired by the NHAI for widening of the road and thus, contends that the impugned endorsement issued by respondent No.4 is illegal and arbitrary.

7. Learned AGA submits that insofar as the reserved trees i.e., rosewood and teakwood, even if they are grown in the private lands, necessary permission and authorization is necessary from the Department of Forest, and without which,



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the petitioner is not entitled to seek release and transportation of the rosewood and teakwood logs and seeks to sustain the impugned endorsement.

8. Learned counsel for NHAH submits that they have no objection for release of the rosewood and teakwood logs in favour of the petitioner, since he was authorised to cut and remove the trees in the land which was acquired by NHAH.

9. I have given my anxious consideration to the submissions made on behalf of the learned counsel for the petitioner and learned AGA and NHAH for the respondents.

10. It is not in dispute that the rosewood and teakwood trees which were permitted to be cut and removed by NHAH pursuant to the contract entered into by the petitioner and the NHAH. The trees were grown in the private land which were acquired by NHAH by paying compensation to the land owners. Instead of NHAH removing the trees and salvaging, the said work has been entrusted to the petitioner pursuant to the contract and on payment of the tender amount. Therefore, at no stretch of imagination, the State Government would lay any



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claim in respect of the said trees, since the land where the trees were cut does not belonged to State Government. Therefore, the impugned endorsement issued by respondent No.4 is unsustainable.

11. Respondent No.4, in the impugned endorsement does not state any provision of law under which the said Forest Department would lay a claim in respect of the trees, which were grown in the private land. Accordingly, the following:

ORDER

- (i) The writ petition is ***allowed.***
- (ii) The endorsement dated 10.04.2023 issued by respondent No.4 at Annexure-H is hereby quashed.
- (iii) Respondent Nos.3 and 4 are directed to release the rosewood and teakwood logs as detailed in the impugned endorsement within a period of four weeks from the date of receipt of the order in favour of the petitioner.
- (iv) If the petitioner is required to pay any license fee, and fee for transport permit to the State Government for



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release of the trees or logs, the respondents are at liberty to raise a demand and the petitioner shall pay the same before the logs are released.

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**

BGN
List No.: 1 Sl No.: 16