



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.15221 OF 2026 (GM-FOR)

BETWEEN:

PRESTIGE WELLINGTON PARK
OWNERS ASSOCIATION
A RESIDENT WELFARE ASSOCIATION
REGISTERED UNDER
THE KARNATAKA APARTMENT
OWNERSHIP ACT, 1972
GANGAMMA CIRCLE, CHURCH ROAD
HMT COLONY, HMT ESTATE, JALAHALLI
BENGALURU-560 013
REPRESENTED BY ITS VICE PRESIDENT
MR. MUKUNDA V.

...PETITIONER

(BY SRI GANAPATI HEGDE, SR. COUNSEL FOR
SRI M. B. ANIRUDH, ADVOCATE)

Digitally signed
by SWEETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA

AND:

1. STATE OF KARNATAKA
THROUGH FOREST ECOLOGY
AND ENVIRONMENT DEPARTMENT
ROOM NO.448, 4TH FLOOR
GATE NO.2, M.S. BUILDING
BENGALURU-560 001
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
2. THE DEPUTY CONSERVATOR OF FORESTS
BENGALURU URBAN DIVISION



JARAKBANDE FOREST CAMPUS
KAMMAGONDANAHALLI
BENGALURU-560 015

...RESPONDENTS

(BY SRI SRIKANTH PATIL, A.A.G. A/W
SMT. SARITHA KULKARNI, A.G.A)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED NOTICE ISSUED UNDER SECTION 64A (1) OF THE KARNATAKA FOREST ACT, 1963 BY RESPONDENT NO.2 BEARING REF. NO. A7. BHOOMI. JBK (64A). CR-01/2026-2027, DATED 18.04.2026 (ANNEXURE-A) AND PROHIBITING THE RESPONDENTS FROM RE-AGITATING THE ISSUES WHICH HAVE ATTAINED FINALITY AND HAVE BEEN CONCLUSIVELY DECIDED BY THE APPELLATE AUTHORITY VIDE ORDER DATED 23.12.2015 (ANNEXURE-B) 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

ORAL ORDER

1. Petitioner is before this Court seeking for the following reliefs:

- (i) *Issue a Writ of Certiorari or any other writ or order of the like nature quashing the Impugned notice issued under Section 64A (1) of the Karnataka Forest Act, 1963 by Respondent No.2 bearing Ref. No. A7. Bhoomi. JBK (64). CR-01/2026-27, dated 18.04.2026 (Annexure-A);*
- (ii) *Issue a Writ of Prohibition or any other appropriate writ, order or direction,*



prohibiting the Respondents from re-agitating the issues which have attained finality and have been conclusively decided by the Appellate Authority vide order dated 23.12.2015 in Appeal No.01/2015 (Annexure-B);

(iii) Pass any other as this Hon'ble Court may deem fit to grant in the circumstances of the case, in the interests of justice and equity."

2. What has been questioned is only the show cause notice dated 18.04.2026 at Annexure-A. When the matter was taken up on 14.05.2026, a co-ordinate Bench of this Court had granted certain interim reliefs.
3. On 03.06.2026, when the matter was taken up, the submission of learned Senior Counsel appearing for the petitioner was that the subject matter of the present petition is covered by the decision of the Additional Chief Secretary to Government, Forest, Ecology and Environment Department in Appeal No.1 of 2015 dated 23.12.2015. Hence, the learned Additional Government Advocate was called upon to obtain instructions and make a submission.



4. Today, Sri.Srikanth Patil, learned Additional Advocate General on instructions submits that the notice has been issued as regards land allegedly encroached over and above the land subject matter of the deed of sale dated 30.07.2004 at Annexure-D. His submission is that the respondents would not disturb the land as the development over land measuring 5 Acres and 0.547 Guntas, which works out to 20,289.666 Square Meters in Survey No.1 of Peenya Plantation and Survey Nos.18 and 19 of Jarakabande Kaval Village, Bengaluru North Taluk. His categorical submission on instructions is that it is only the encroachment beyond this land, which is subject matter of the said notice. His clear categorical submission is that the land covered under the sale deed will not be disturbed.
5. Learned Senior Counsel appearing for the petitioner would submit that a reply to the show cause notice



dated 18.04.2026 at Annexure-A has already been submitted along with all necessary documents.

6. In that view of the matter, admittedly the petitioner can have a claim and/or maintain any right over the aforesaid property and not anything more than that.
7. Accordingly, the writ petition stands ***disposed of*** reserving liberty to the petitioner to submit additional documents, if any, on or before 20.07.2026. If such documents are submitted, the respondents are hereby directed to carry out a survey in the presence of the representative of the petitioner and demarcate the boundaries. After considering the objections, if any, filed by the petitioner, the respondents are hereby directed to pass necessary orders in accordance with law, as expeditiously as possible.

**SD/-
(SURAJ GOVINDARAJ)
JUDGE**