



CNR: KAHC010355722023

NC: 2026:KHC:42031
WP No. 15027 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 15027 OF 2023 (GM-FOR)

BETWEEN:

THIPPANNA @ THIPPA REDDY
S/O KONDAREDDYPALLI MADDANNA
AGED ABOUT 57 YEARS
R/A SINGAPPAGARIPALLI VILLAGE
PATHAPALYA HOBLI - 561 212
CHELUR TALUK
CHIKKABALLAPUR DISTRICT.

...PETITIONER

(BY SRI. CHETHAN A C., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY ITS PRINCIPAL SECRETARY
FOREST DEPARTMENT
VIDHANA SOUDHA
BENGALURU - 560 001.
2. THE APPELLATE AUTHORITY AND CHIEF
CONSERVATOR OF FORESTS
BANGALORE (TERRITORIA) CIRCLE
ARANYA BHAVAN
MALLESHWARAM
BENGALURU- 560003.
3. THE ASSISTANT CONSERVATOR OF FORESTS
CHINTAMANI SUB DIVISION
CHINTAMANI - 563 125
CHIKKABALLAUR DISTRICT.



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4. THE RANGE FOREST OFFICER
BAGEPALLI RANGE
BEGEPALLI - 561 207
CHIKKABALLAPUR DISTRICT.

...RESPONDENTS

(BY SRI. M. SRINIVAS KUMAR., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 30/12/2022 IN APPEAL NO 317/2018-19 PASSED BY THE R2 DISMISSING THE APPEAL FILED BY THE PETITIONER UNDER SECTION 64(A)(3) OF THE KARNATAKA FOREST ACT, 1963 (ANNEXURE-A) 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 M.G.S. KAMAL

ORAL ORDER

1. Petitioner claims to be in possession of land in Sy.No.50 measuring 2 acres 20 guntas situated at Singappa-Garapalli Village of Pathapallya Hobli, Chelur Taluk, earlier Bagepalli Taluk, Chikkaballapur District, based on a grant purportedly made in his favour, is before this Court being aggrieved by the order dated 30.12.2022 passed by respondent No.2- Appellate Authority and Chief Conservator of Forest in Appeal No.317/2018-19 as



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well as the order dated 31.12.2018 passed by the respondent No.3.

2. Respondent No.3 claims the aforesaid property to be a forest land and that without considering the case of the petitioner has passed the order dated 31.12.2018 holding petitioner to have encroached upon the forest land and in exercise of his power under Section 64A of the Karnataka Forest Act, 1963 had called upon the petitioner to remove the alleged encroachment. Being aggrieved by the said order, petitioner had preferred an appeal before the respondent No.2- Appellate Authority.
3. During the hearing, the respondent No.2-appellate authority had directed for joint survey to be conducted. However, without even conducting such joint survey in the presence of petitioner, based on a purported survey conducted by Tahsildar, Bagepalli and the officials of respondent-forest department, a report was filed on 10.05.2022. Accepting the said report and mahazar filed along with that, the appellate authority proceeded to dismiss the appeal filed by the petitioner. Being



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aggrieved by the order dated 31.12.2018 passed by the respondent No.3 and order dated 30.12.2022 by the respondent No.2- appellate authority, petitioner is before this Court.

4. Learned counsel for petitioner drawing attention of this Court to the communication dated 29.01.2022 produced at Annexure-D submits that the Chief Conservator of Forest and the Appellate Authority has directed the Deputy Commissioner, Chikkaballapur District to conduct joint survey and submit the report thereof. That without even conducting such joint survey particularly in the presence of petitioner, the respondent No.2-appellate authority has accepted the case of the respondent-forest department and dismissed the appeal filed by the petitioner holding the land in possession of the petitioner to be the part of forest land. He submits when the appellate authority itself had thought it appropriate to conduct a joint survey, same ought to have been done in the presence of petitioner and any joint survey even if it was conducted in the absence of petitioner would not



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satisfy the requirement of very own order passed by the appellate authority. Impugned order be set aside with a direction to proceed only after obtaining the joint survey report to be conducted in the presence of petitioner, the purpose of petition would be served.

5. Learned AGA on the other hand submits that the joint survey was conducted and mahazar was drawn. Even as per the report submitted at Annexure-D, it is only thereafter the appellate authority has proceeded to pass the impugned order. However, he fairly submits since the petitioner is disputing such joint survey being conducted in his presence, in the interest of justice an opportunity can be granted to the petitioner, given a direction, joint survey in the presence of petitioner will be conducted and appropriate order will be passed thereafter. Submission placed on record.

Accordingly the following:

ORDER

- (i) Petition is ***allowed***.



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- (ii) Order dated 30.12.2022 passed in Appeal No.317/2018-19 by the respondent No.2-appellate authority is quashed.
- (iii) Matter is remitted to the respondent No.2-appellate authority, Chief Conservator of Forests. Additional Director of Land Records shall cause joint survey and measurement of the land to be done in the presence of petitioner, respondent No.3, as well as Tahsildar.
- (iii) The joint survey shall be conducted with reference to the documents/registers/records maintained both by the Forest Department as well as the Revenue Department. Such survey report shall be filed before the Appellate Authority and only thereafter the appellate authority shall proceed to consider the appeal filed by the petitioner herein.

Since the parties are represented by their counsel, they shall appear before the appellate authority on **24.08.2026** without any further notice.

Sd/-
(M.G.S. KAMAL)
JUDGE

SBN