



CNR: KAHC010402522025

NC: 2026:KHC:38105
WP No. 17936 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 17936 OF 2025 (KLR-RR/SUR)

BETWEEN:

1. SRI BHIMASETHU MUNIVRUNDA MATHA
BHIMANAKATTE MULUBAVILU VILLAGE,
DOORVASAPURAM POST,
THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT,
KARNATAKA - 577 432.

REPRESENTED BY ITS DIWAN/GPA HOLDER
SRI. SAGAR BHAT
S/O HARISH KUMAR P.S.
AGED ABOUT 30 YEARS,
SRI. RAGHUMANYA KRUPA,
SRI. BHIMANAKATTE MATHA PREMISES,
BHIMANAKATTE,
DOORVASAPURAM POST,
THIRTHAHALLI-577 432.

...PETITIONER

(BY SRI. D.R. RAVISHANKAR, SENIOR ADVOCATE FOR
SRI. KESHAV M. DATAR, ADVOCATE)

Digitally signed by
CHANDRA S A
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF FOREST,
VIDHAN SOUDHA,
BENGALURU - 560 001
BY ITS PRINCIPAL SECRETARY.
2. THE STATE OF KARNATAKA,
REP. BY ITS REVENUE SECRETARY.
REVENUE DEPARTMENT,
VIDHAN SOUDHA,
BENGALURU - 560 001.
3. THE DEPUTY CONSERVATOR OF FOREST,
SAGARA SUB-DIVISION,
SAGARA TALUK
SHIVAMOGGA DISTRICT 577-412.
4. THE ASSISTANT CONSERVATOR OF FOREST,
HOSANAGARA RANGE,
HOSANAGARA TALUK,
SHIVAMOGGA DISTRICT 577-418.
5. THE RANGE FOREST OFFICER,
HOSANAGARA RANGE,
HOSANAGARA TALUK,
SHIVAMOGGA DISTRICT 577-418.
6. THE DEPUTY COMMISSIONER,
SHIVAMOGGA DISTRICT,
OFFICE OF THE DEPUTY COMMISSIONER,
SHIVAMOGGA DISTRICT - 577 201.



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7. THE ASSISTANT COMMISSIONER.
OFFICE OF THE ASST. COMMISSIONER,
SAGAR REVENUE SUB-DIVISION,
SAGAR, SHIVAMOGGA DISTRICT - 577 201.
8. THE TAHSILDAR,
TALUKA OFFICE,
HOSANAGARA TALUK,
HOSANAGARA,
SHIVAMOGGA DISTRICT - 577 418.
9. THE CHIEF CONSERVATOR OF FOREST
SHIVAMOGGA CIRCLE,
SANDLEKOTE PREMISES,
HOLEHONNURU ROAD,
VIDHYANAGARA,
SHIVAMOGGA DISTRICT - 577 203.
10. THE FOREST SETTLEMENT OFFICER,
NEAR DISTRICT COMMISSIONER
RESIDENCE ROAD,
SHIVAMOGGA - 577 201.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ILLEGAL ENDORSEMENT DATED 06.12.2024
BEARING NO. BHOOMI/E.A/GL-2639/2024-25 ISSUED BY
RESPONDENT NO. 3 VIDE ANNEXURE-A; AND ETC.



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THIS WRIT PETITION HAVING BEEN RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **E.S. INDIRESH J.**, MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

CAV ORDER

1. In this Writ Petition, petitioner is assailing the letter bearing No. Bhoomi/E.A/GL-2639/2024-25 dated 06.12.2024(Annexure-A), issued by the respondent No.3, and the endorsement bearing No.REV0RRT3/216/2024, E-356622, dated 26.12.2024(Annexure-B), issued by respondent No.8.

2. The facts in nutshell are that, the petitioner had preferred suit in O.S.No.14/1932-33 before the Civil Judge, Shivamogga, against unpaid vendors of the petitioner and the said suit came to be decreed in favour of the petitioner and as such, the petitioner was declared in possession of the land bearing Sy.No.18 measuring 91.34 acres at Halandur Village, Hosanagara Taluk, Shivamogga District. After the Decree passed by the competent Civil Court, registered Sale Deed dated 15.06.1936 made in favour of the petitioner as per Annexure-C. It is further stated that, revenue records stand in



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the name of the petitioner and mutation in M.R.No.2-40/36-37 stands in the name of the petitioner. It is also stated that, petitioner is in possession of the land in question and the Re-Survey Tippani Book as per Annexure-K establishes that the land in question is a private property and was not belonged to the Government. The pahani in respect of the subject land till 1967 stands in the name of the petitioner. It is stated in the Writ Petition that, the respondents have changed the revenue entries in respect of column No.9 of RTC as "HIDUVALI KANU" as per Annexure-N. In this regard, the petitioner has approached the respondent No.7 through a representation dated 13.06.1969 as per Annexure-P. Despite the same, the respondent - authorities have not taken any action to modify the entry in the column No.9. Thereafter, pursuant to the death of Senior Pontiff - Raghutilakthirtha Sripadangal on 22.09.1977, respondent - authorities replaced the name of the petitioner and inserted the entry as "HIDUVALI KANU". It is further stated in the Writ Petition that, the petitioner has addressed a letter dated 06.04.2022 to the respondent No.10 seeking clarification as to the nature of land in question and in



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this regard, the respondent No.10 issued endorsement dated 13.04.2022 (Annexure-Y) that the land in question is not a forest land. It is also stated in the Writ Petition that, at no point of time the land in question was a forest land and as such, the petitioner has approached this Court in W.P.No.7249/2024 and this Court vide Order dated 30.05.2024 (Annexure-AA), directed the respondent - authorities to consider the representation made to restore the name of the petitioner in the revenue records. It is also stated in the Writ Petition that, the respondent - authorities have issued a reply to the application filed under the RTI Act that the land in question is not found in Statutory Forest List (Annexure-AD). Despite the fact that, the land in question is not a deemed forest nor a statutory forest, however, the respondent - authorities have issued the impugned letter and endorsement at Annexures - A and B respectively, stating that the land in question is Statutory Forest as per the Notification dated 15.05.2014 and being aggrieved by the same, the petitioner has presented this Writ Petition.



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3. Heard Sri. D.R. Ravishankar, learned Senior Counsel appearing on behalf of Sri. Keshav V. Datar, learned counsel for the petitioner and Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondents.

4. Sri. D.R. Ravishankar, learned Senior Counsel for the petitioner, contended that the land in question was purchased by the petitioner in terms of the Judgment and Decree in O.S.No.14/1932-33 and land in question is neither a statutory forest nor a deemed forest as per Annexure-AD and Annexure-Y, respectively and therefore, it is contended that, as no Notification is issued by the respondent-State as to declare the subject land is a forest land, the respondents have committed an error in issuing the letter and endorsement at Annexures - A and B respectively, which requires to be set aside in this Writ Petition. It is also stated by the learned Senior Counsel for the petitioner that there is no Notification dated 15.05.2014 issued to identify the subject land as a statutory forest and therefore, in the absence of any such Notification, much less Notification issued under Section 4 of the Forest Act, it is contended that, the impugned Notification is liable to be quashed.



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5. Per contra, Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondents, submitted that the land in question has been identified as "KANU" in the Notification issued in the year 2014 and therefore, the land in question has been included in the list of District Forest in the affidavit filed before the Hon'ble Supreme Court in W.P.(C)202/1995 and accordingly, sought for dismissal of the Writ Petition.

6. It is further argued by the learned High Court Government Pleader by referring to the sketch produced at Annexure-R1 appended with Google Map, that the schedule property presently forms a contiguous forest landscape and therefore, sought for dismissal of the Writ Petition. In this regard, learned High Court Government Pleader places reliance on the Judgment of this Court in W.A.No.2101/2007 connected with W.A.2297/2007 disposed of on 01.04.2009 and submitted that, the word "KANU" means a forest and therefore, sought for dismissal of the Writ Petition.

7. In the light of the submissions made by the learned counsel appearing for the parties, and on careful consideration



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of the writ papers would indicate that the petitioner had acquired the land in question as per the Judgment and Decree in O.S.No.14/1932-33 on the file of Civil Judge, Shivamogga. Pursuant to the same, registered Sale Deed dated 15.06.1936 (Annexure-C) was executed in favour of the petitioner. Petitioner has produced the revenue records which depicts name of the petitioner in Encumbrance Certificate and RTC extracts. The Re-Survey Tippani Book as per Annexure-K shows the name of the petitioner, which is undoubtedly a private land. It is also forthcoming from the Writ Petition that, an endorsement dated 13.04.2022 (Annexure-Y) has been issued by the respondent No.10 stating that the land in question is not a forest land. It is also forthcoming from the letter dated 08.10.2024 (Annexure-AD), it is declared by the respondents that the land in question is not found in 'Statutory Forest List'. The entire case of the respondents revolves around the affidavit filed before the Hon'ble Supreme Court in W.P.(C)202/1995, indicating proposed to constitute a Committee at District level, Divisional level and State level to identify the areas covered under 'Deemed Forest'. Even according to the G.O. dated



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15.05.2014 (Annexure-R13), it is stated that there are 20,218.25 hectares of land is 'KANS' proposed forest area. In the said Notification, nothing is stated about the land in question as forest land. In that view of the matter, as the land in question is neither a deemed forest, nor a statutory forest and even according to the respondent - State there is no Notification under Section 4 of the Forest Act to declare that the land in question is a forest land and therefore, I am of the view, that there is no material shown by the respondent - State to declare that the land in question is a forest land and therefore, the contention raised by the learned High Court Government Pleader cannot be accepted.

8. Though the learned High Court Government Pleader argued that the land in question is 'KANS' means 'KANU' is a forest land and Government land in terms of the Judgment referred to in W.A.No.2101/2007, I am of the opinion that, even under such circumstances also, there should be a valid Notification issued by a competent authority to specify that the land in question is a forest land. In the absence of such Notification by the respondent - State, I am of the view, the



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impugned Endorsement dated 26.12.2024 (Annexure-B) and the letter dated 06.12.2024 (Annexure-A) are required to be set aside.

9. In the result, I pass the following:

ORDER

- (i) Writ Petition is allowed.
- (ii) The letter bearing No. Bhoomi/E.A/GL-2639/2024-25 dated 06.12.2024(Annexure-A), issued by respondent No.3, and the endorsement bearing No.REV0RRT3/216/2024, E-356622, dated 26.12.2024(Annexure-B) issued by respondent No.8 are hereby set aside.
- (iii) Respondent - authorities are directed to enter the name of the petitioner in the revenue records i.e., RTC extracts within two months from the date of receipt of certified copy of this order.

**Sd/-
(E.S.INDIRESH)
JUDGE**

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List No.: 1 Sl No.: 69