



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.19141 OF 2026 (GM-FOR)

BETWEEN:

1. SMITHA DEVAIAH B,
S/O LATE BADDUVANDAA DEVAIAH,
AGED ABOUT 52 YEARS,
R/AT BADAGA BANGALA VILLAGE,
MALDARE POST, VIRAJPET TALUK,
KODAGU-571 253.
PRESENTLY RESIDING AT
SRI JAYADURGA APARTMENT NO.920/1
CH-21, FLAT NO-5,
FIRST MAIN LAXMIPURAM,
MYSORE- 570 004.

2. BADUVANDA S BIDDAPPA
S/O LATE B.M/ SOMAIAH
AGED ABOUT 63 YEARS
R/AT BADAGA BANGALA VILLAGE
MALDARE POST
VIRAJPET TALUK,
KODAGU – 571 253.

BOTH ARE REPRESENTED BY POWER
OF AUTHORITY
SRI. N.S. SHYAM KUMAR
AGED ABOUT 69 YEARS,
S/O LATE N.K. SHEKARAN,
R/O 'SHYAM ENCLAVE',
NEAR SENIOR COLLEGE
BEERANGAD ROAD,
CHICKPET

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:32292
WP No. 19141 of 2026

VIRAJPET,
KODAGU-571 218.

...PETITIONERS

(BY SRI. SACHIN B.S., ADVOCATE)

AND:

1. DEPUTY COMMISSIONER
OF KODAGU DISTRICT
KODAGU DISTRICT,
MEDIKERI-571 201.
2. DEPUTY CONSERVATOR OF OFFICER (DCF)
VIRAJPET SUB DIVISION,
VIRAJPETE-571 218.
3. TREE OFFICER
VIRAJPETE-571 218.

...RESPONDENTS

(BY SMT.SARITHA KULKARNI, AGA FOR
RESPONDENTS/STATE)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION QUASHING THE IMPUGNED ORDER DATED 19.04.2025 PASSED BY RESPONDENT NO.1 IN NO. VANA/31/2024-25-772998 AND THE ENDORSEMENT DATED 05.02.2026 ISSUED BY THE RESPONDENT NO.2 IN NO. VUASAMM/VIPETE/A2/CR2751/2025-26 AS PER ANNEXURE-A AND A1 IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

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



CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court praying for the following reliefs:

Wherefore, the petitioners most humbly pray that this Hon'ble Court may be pleased to:

a) Issue a writ of certiorari or any other appropriate writ, order, or direction quashing the impugned order dated 19.04.2025 passed by Respondent No.1 in No. VANA/31/2024-25-772998 and the endorsement dated 05.02.2026 issued by the Respondent No.2 in No. VuASamm/Vipete/A2/CR2751/2025-26 as per ANNEXURE-A and A1 in the interest of justice and equity.

b) Issue a writ of mandamus or any other appropriate writ, order, or direction, thereby directing the respondents to grant permission to petitioners to cut and remove the standing trees situated in the Sagu Bane land belonging to them, pursuant to their application dated 10.05.2024 as per ANNEXURE-B and B1.

c) Issue any other writ or order or direction that deems fit to grants in the circumstances of the case in the interest of justice and equity.

2. The petitioner Nos.1 and 2 claim to be absolute owners of property bearing Survey No.78 to an



extent of 8.40 acres and Survey No.80/2 to an extent of 4.41 acres. Apart there from petitioner No.1 claims to be the absolute owner in Survey No.80/1 measuring 4.14 acres, Sy No. 79/1 measuring 3.84 acres, Survey No.79/3 measuring 8.05 acres and Survey No.80/2 measuring 4.41 acres. All properties are situated at Badaga Banangala Village, Ammathi Hobli, Virajpet Taluk, Kodagu District.

3. The petitioners claim that from amongst the above land, Survey No.78 is a redeemed sagu land and all other properties are sagu bane land as per the RTC and DC Jamabandi. The petitioner has made an application for cutting the trees in the said properties to regulate the excess shade as also carry out further cultivation on 10.05.2024, enclosing the RTC copies. The Tahsildar and the Assistant Commissioner by their report dated 31.01.2025 and 24.02.2025 respectively have stated that the petitioners would



only be entitled to the ownership of the properties and would not have any right over the trees standing on the said properties. It was on the basis of the said report that respondent No.1-Deputy Commissioner has issued the impugned endorsement dated 05.02.2026 at Annexure-A1 rejecting the application filed by the petitioners. It is challenging the said endorsement that the petitioners are before this court.

4. Learned counsel for the petitioners would submit that the land being sagu bane land as also redeemed sagu bane land, the entire ownership of the land and trees grown on it would vest with the petitioners. There is no right of the government in the said lands. It is only in respect of jama bane land that the State has a right for seigniorage in respect of the trees which are cut, which also he submits that due to the recent amendment carried out to the Karnataka Land Revenue Act, the distinction between sagu bane and



jama bane also does not exist any longer. In so far as redeemed sagu bane and sagu bane land, he submits that it does not make any difference inasmuch as sagu bane land would vest with the owner.

5. Learned AGA submits that the Tahsildar having considered the matter, finding that there is no document indicating as to when the redemption of sagu bane land has happened and there being no particular order on record indicating such redemption, report has been submitted as indicated supra. On that basis, she submits that no fault could be found with the report so also no fault could be found with the orders passed by the 1st respondent-Deputy Commissioner.
6. Heard Sri.Sachin B.S, learned counsel for the petitioner and Smt.Saritha Kulkarni, learned AGA for respondents and perused papers.



7. In the present case, it is not that the state is asserting any right over the property of the petitioners. The only issue is in respect of Survey No.78 which is redeemed sagu land. The other lands are sagu land simpliciter. The issue raised by the Deputy Conservator of Forests is that there is no document indicating redemption of the sagu bane land. Whether there is an order of redemption or not would only be relevant insofar as revenue payable in respect to the said land and not as regards the ownership of the land inasmuch as sagu bane land would vest with the person whose name is entered in the revenue records. Thus the artificial difference sought to be made out by the Deputy Commissioner between sagu bane land and redeemed sagu bane land is not sustainable in the eye of law.
8. The report being based on an artificial categorisation and not being sustainable, the Deputy Commissioner ought to have verified these aspects before accepting



the report. Moreover, when the entries of the tenure have been made in the RTC by the Government authorities, the question of the authorities calling upon the petitioners to produce document in support thereof after nearly a century would not arise.

9. In that view of the matter, this Court passes the following order:

(i) Writ petition is ***allowed***.

(ii) A certiorari is issued setting aside the impugned order dated 19.04.2025 at Annexure A and 05.02.2026 dated Annexure-A1 issued by respondent No.2 insofar as the claim made therein that the petitioners cannot have right over the trees grown over the sagu bane land, is set aside.



(iii) Consequently, the report and endorsement at Annexure-A and A1 are quashed.

(iv) A mandamus is issued directing the respondents to consider the application submitted by the petitioners to cut and remove the standing trees situated on the sagu bane land belonging to the petitioners on the petitioners complying with the applicable requirements of obtaining permission where necessary from the concerned Forest Department and complying with the formalities relating thereto within a period of three months from the date of receipt of copy of this document.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE