



CNR: KAHC010448102022

NC: 2026:KHC:40241
WP No. 19700 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 19700 OF 2022 (GM-FOR)

BETWEEN:

SRI. L. SRINIVAS
S/O LATE LASHMAIAH
AGED ABOUT 50 YEARS,
R/AT NO.1636, 30TH CROSS
18TH, MAIN ROAD, BSK 2ND STAGE
BENGALURU-560 070.

...PETITIONER

(BY SRI. M B CHANDRACHOODA.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO GOVERNMENT
FOREST DEPARTMENT
VIKASA SOUDHA
BENGALURU-560 001.
2. THE APPELLATE AUTHORITY AND CHIEF
CONSERVATOR OF FORESTS
(TERRITORIAL) CIRCLE
BENGALURU-560 060.
3. THE ASSISTANT CONSERVATOR OF FOREST
BENGALURU SUB DIVISION
BENGALURU-560 003.
4. THE RANGE FOREST OFFICER
KAGGALIPURA RANGE KAGGALIPURA
BENGALURU-560 082.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR., AGA)



CNR: KAHC010448102022

NC: 2026:KHC:40241
WP No. 19700 of 2022

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 02.09.2022 APPEAL NO.315/2018 ON THE FILE OF THE APPELLATE AUTHORITY AND CHIEF CONSERVATOR OF FOREST, BENGALURU (TERRITORIAL) CIRCLE, BENGALURU, VIDE ANNEXURE-J, AND THE ORDER DATED 01.10.2018 IN CASE.NO.SA ASAM/KVA/ ENCROACHMENT/321/2018-19 ON THE FILE OF THE ASSISTANT CONSERVATOR OF FOREST, BENGALURU SOUTH SUB-DIVISION, BENGALURU VIDE ANNEXURE-G.

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 is before this Court seeking following reliefs:

" i) Quash the Order dated 02.09.2022 Appeal No.315/2018 on the file of the Appellate Authority and Chief Conservator of Forest, Bengaluru (Territorial) Circle, Bengaluru, Vide Annexure-J and the order dated 01.10.2018 in Case No.Sa.Asam/Kva/Enroachment/321/2018-19 on the file of the Assistant Conservator of Forest, Bengaluru South Sub-Division, Bengaluru, vide Annexure-G, by issue of writ of certiorari.

ii) Issue any appropriate writ, order or direction as deemed fit in the circumstances of the case."

2. Petitioner claimed to have purchased land bearing Sy.No.25/3, old Sy.No.25, measuring 4 Acres and 10 Guntas, including 10 guntas of karab land, Turahalli Village, Uttarahalli Hobli, Bengaluru South Taluk, in terms of deed of sale dated 20.05.1996. Name of the petitioner



CNR: KAHC010448102022

was reflected in the revenue records indicating his possession over the same.

3. That by Order dated 31.10.2004, the Deputy Commissioner, Bengaluru had permitted change of land usage.
4. Things stood thus, respondent No.4-Range Forest Officer, issued a notice dated 23.04.2014 as per Annexure-D, alleging petitioner having encroached upon the forest land. A reply dated 07.05.2018 as per Annexure-E was filed by the petitioner. Additional explanation was also issued on 04.06.2018 as per Annexure-F. Petitioner had even shown his *bonafides* of handing over the excess land, subject to conducting the survey, which is also not considered.
5. However, without considering the case of the petitioner, respondent No.3-Forest Department has passed the impugned order dated 01.10.2018 as per Annexure-G, directing the petitioner to vacate and hand over an extent



CNR: KAHC010448102022

of 13 guntas of land, out of 4 acres and 10 guntas of land purchased by him.

6. Being aggrieved, petitioner filed an appeal before respondent No.2-Appellate Authority and also filed an application dated 27.05.2022 seeking joint survey. The said application along with the appeal has been dismissed.
7. Aggrieved by the same, petitioner is before this Court.
8. Heard and perused the records.
9. It is not that entire extent of land measuring 4 Acres and 10 Guntas of the petitioner formed part of the Forest land. Only an extent of 13 guntas of land, even according to the respondent-Forest Department, is alleged to have been encroached upon by the petitioner.
10. Needless to emphasize, unless and until, as rightly pointed out by the learned counsel for the petitioner, a joint survey is conducted demarcating the property of the respondent-Forest Department with that of the land



CNR: KAHC010448102022

NC: 2026:KHC:40241
WP No. 19700 of 2022

belonging to the petitioner, fair and proper determination of the dispute cannot be arrived at.

11. Despite petitioner making an application seeking to conduct joint survey, the respondent No.2-Appellate authority has not only rejected said application, has also rejected the appeal.
12. A request for joint survey is not only reasonable under the facts and circumstances of the case, but conducting of such joint survey is impartial.
13. Accordingly, the following:

ORDER

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

(ii) Impugned order dated 02.09.2022 as per Annexure-J passed by the respondent No.2 and order dated 01.10.2018 as per Annexure-G passed by the respondent No.3 are hereby quashed.

(iii) Respondent No.3-Assistant Conservator of Forests along with the assistance of the concerned Assistant Director of Land Records, Bengaluru South Taluk, is directed to conduct joint survey of the land claimed by the petitioner as well as the



CNR: KAHC010448102022

**NC: 2026:KHC:40241
WP No. 19700 of 2022**

portion of land being claimed by the respondent-Forest Department, allegedly encroached upon the petitioner.

(iv) Such survey shall be conducted with reference to the revenue records as well as the forest records and the relevant sketch and survey maps.

(v) Inspection shall also be conducted in the presence of the petitioner and the representatives of the respondent-Forest Department.

(vi) After submission of the report, respondent No.3 shall rehear/reconsider the matter and pass appropriate order strictly in accordance with law.

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

RL
List No.: 1 SI No.: 24