



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.20429 OF 2026 (GM-FOR)

BETWEEN:

1. ARJUN BOPANNA,
AGED ABOUT 47 YEARS,
S/O A.D.BOPANNA,
R/O 'KATHLEKAD ESTATE',
POST BOX NO.94,
MADIKERI - 571 201,
KODAGU DISTRICT.
2. N. SUBRAMANI (BOSE MANDANNA),
AGED ABOUT 78 YEARS,
S/O LATE N.K.MANDANNA,
R/O 'SUBRAMANYA ESTATE',
SUNTICOPPA,
SOMAWARPET TALUK,
KODAGU DISTRICT.
3. GANGA DULEEP,
AGED ABOUT 80 YEARS,
W/O LATE DR. K.S. DULEEP,
R/O CODANDA BHAVAN,
GENERAL THIMMAIAH ROAD,
MADIKERI - 571 201,
KODAGU DISTRICT.
4. VEENA MUTHANNA,
AGED ABOUT 86 YEARS,
W/O LATE COL. C.C. MUTHANNA,
R/O "CODANDA BHAVAN", G.T.ROAD,
MADIKERI, KODAGU DISTRICT.



PETITIONERS 1 TO 4
REP. BY POWER OF AUTHORITY,

SRI. N.S.SHYAM KUMAR,
AGED ABOUT 69 YEARS,
S/O LATE N.K.SHEKARAM,
R/O 8TH BLOCK, SHYAM ENCLAVE,
BEERANGAD ROAD, CHIKPET,
VIRAJPET, KODAGU DISTRICT.

...PETITIONERS

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

AND:

1. DEPUTY COMMISSIONER,
KODAGU DISTRICT,
MADIKERI - 571 201.
2. DEPUTY CONSERVATOR OF FOREST (DCF),
VIRAJPET SUB-DIVISION,
SOUTH COORG - 571 218.

...RESPONDENTS

(BY SMT.SARITHA KULKARNI, AGA FOR R1 AND R2)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 02.11.2023 IN BEARING NUMBER VANA/51/2023-24 AND IMPUGNED ORDER DATED 29.08.2024 IN BEARING NUMBER VANA/51/2023-24-260672 AND IMPUGNED ORDER DATED 27.04.2026 IN BEARING NUMBER VANA/51/2023-24,E-260672, PASSED BY RESPONDENT NO.1 AS PER ANNEXURE-A, A1 AND A2 AND CONSEQUENTLY, ALLOW THE APPLICATION FILED BY THE PETITIONERS SEEKING PERMISSION TO CUT THE TREES STANDING ON THE SUBJECT LAND BELONGING TO THE PETITIONERS AS PER ANNEXURE-C AND C1, AS PRAYED IN THE APPLICATION, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



ORAL ORDER

1. Learned AGA accepts notice for respondent Nos.1 and 2.
2. Petitioners are before this Court seeking for the following reliefs:

"Wherefore, the Petitioner most humbly prays that this Hon'bl Court may be pleased to:

a) Issue a Writ of certiorari or any other writ thereby Setting aside the Impugned Order dated 02.11.2023 in bearing number. VaNa/51/2023 24 and Impugned order dated: 29.08.2024 in bearing number: VaNa/51/2023-24-260672 and Impugned order dated: 27.04.2026 in bearing number: VaNa/51/2023. 24, E-260672, passed by Respondent No.1 as per ANNEXURE-A, A1 & A2 and consequently, allow the application filed by the Petitioners seeking permission to cut the trees standing on the subject land belonging to the petitioners as per ANNEXURE-C & C1 as prayed in the application, in the interest of justice and equity;

b) 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."



3. The petitioners claim to be the absolute owners of the property bearing Survey Nos.18/3, 18/4, 18/5, 18/6, 18/7, 18/8 and 118 situated at Moduru Village, Santicoppa Hobli, Kushalanagara Taluk, Kodagu District. The said land was earlier classified as 'Jamma Bane' and subsequently, re-classified as 'Paradeena Bane'. The petitioners had made an application on 21.09.2021 before respondent No.1 seeking permission to cut and remove the standing trees existing on the Bane land. Respondent No.2- Deputy Conservator of Forest (DCF) had sought a report from respondent No.1-Deputy Commissioner regarding the rights of the petitioners over the trees standing in the land, in respect of which, permission was sought for. The land being assessed to land revenue, the Deputy Commissioner submitted a report on 02.11.2023 stating that the subject land being 'Jamma Bane' land, the petitioners have right over the land, but they have no rights over the



standing trees therein and it is based on the said report, respondent No.2 rejected the application filed by the petitioners. It is challenging the said rejection that the petitioners are before this Court.

4. Learned counsel for the petitioners relying upon the decision of this Court in ***Brigadier Maletira A. Devaiah Vs. State of Karnataka and Others*** in ***W.P.No.55534/2013 and other connected matters dated 25.07.2024***, submits that in view of the amendment to the Karnataka Land Revenue Act, once a Koduva family is granted full ownership of land, the ownership of the timber standing trees would also rest with the Koduva family and as such, he submits that the petitioners being Kodus, they have complete right over the trees post the amendment made to the Karnataka Land Revenue Act and as such, the respondents could not have claimed interest over the trees. The trees also belong to the ownership of the petitioners.



5. Learned AGA would, however, submitted that there is a Circular dated 20.03.2023 issued by the Additional Chief Secretary, Forest Department and by virtue of the said Circular, all natural grown trees that existed before the date of alienation, unless redeemed, belong to the Government and further all natural grown trees that existed before the date of alienation whether reserved or not reserved, belong to the Government. The trees grown after the date of alienation shall belong to the land owners unless reserved by the Government. On that basis, she submits that, in the present case, the trees having existed on the property of the petitioners prior to the alienation, the Government would have ownership over the said trees.
6. Heard Sri Sachin B.S., learned counsel appearing for the petitioners and Smt. Saritha Kulkarni, learned AGA appearing for the respondents and perused the papers.



7. The claim of the petitioners is on the basis of amendment to the Karnataka Land Revenue Act, whereas, the claim of the learned AGA is on the basis of a Circular issued by the Additional Chief Secretary, Forest Department. The amendment having come into force even prior to the circular was subject matter of challenge before this Court and this Court had upheld the amendment in **Brigadier Maletira A. Devaiah**'s case. While doing so, this Court has taken into consideration the categorical submission made by the learned Additional Advocate General therein that post the amendment, the entire land exclusively belongs to the Koduva family to whom the land belongs, even if it is Jamma Bane land. When the entire land belongs to the Koduva family, the question of a Circular having been issued in the year 2023, distinguishing between the trees grown prior and subsequent, would not arise.



8. The amendment confirming full ownership of the said land would also include ownership to the trees, which are situated and grown on the said land. The artificial interpretation or distinction sought to be made out by way of the Circular is of no avail to the Government post the amendment having been upheld by this Court.
9. In that view of the matter, this Court passes the following

ORDER

- (i) The writ petition is ***disposed of***.
- (ii) A certiorari is issued, the order dated 02.11.2023 bearing No.VaNa/51/2023-24 passed by respondent No.1 at Annexures-A, A1 and A2 are set aside.
- (iii) Consequently, a mandamus is issued directing the respondents to consider the application of the petitioners to cut the tree standing on the subject



land belonging to the petitioners in terms of Annexures-C & C1 in accordance with law.

- (iv) In the event of there being any requirement for any further permission to cut any particular variety of tree/s, such permission would have to be obtained by the petitioners and submitted to the respondents before consideration of the application.
- (v) The entire process is to be completed within a period of 60 days from the date of receipt of copy of this order.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE