



CNR: KAHC010454752023

NC: 2026:KHC:39451
WP No. 19400 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.19400 OF 2023 (GM-FOR)

BETWEEN:

B. M. PRAKASH
S/O. MUNIKRISHNAPPA
AGED ABOUT 56 YEARS
R/O. NEHRU ROAD
SRINIVASAPURA TOWN
SRINIVASAPURA TALUK-563 138
KOLAR DISTRICT

...PETITIONER

(BY SRI JAYARAMA BHATT S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
BENGALURU-560 001
2. THE CHIEF CONSERVATOR OF FOREST
ARANYA BHAVAN
MALLESHWARAM
BENGALURU-560 003
3. THE DEPUTY CONSERVATOR OF FOREST
KOLAR DIVISION
KOLAR-563 101

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NIRMALA
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Location:
HIGH COURT
OF
KARNATAKA



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4. THE ASSISTANT CONSERVATOR OF FOREST
KOLAR SUB-DIVISION
KOLAR-563 101
5. THE RANGE FOREST OFFICER
SRINIVASAPURA, KOLAR DISTRICT
KOLAR-563 101
6. THE DEPUTY COMMISSIONER
KOLAR DISTRICT
KOLAR-563 101

...RESPONDENTS

(BY SRI M. SRINIVAS KUMAR, H.C.G.P.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT NOS.3 TO 5 NOT TO DESTROY FARM HOUSE, POULTRY FARM AND REMAINING TREES IN THE LAND MEASURING TO AN EXTENT OF 4 ACRES 38 GUNTAS COMPRISED IN SY. NO.84/P8 AND ANOTHER LAND MEASURING 4 ACRES COMPRISED IN SY. NO.84 SITUATED AT SRINIVASAPURA RURAL VILLAGE, KASABA HOBLI, SRINIVASAPURA TALUK, KOLAR DISTRICT AND COMMANDING THE SIXTH RESPONDENT-DEPUTY COMMISSIONER TO COMPLY THE ORDER DATED 14/06/2019 PASSED BY THIS HON'BLE IN WP. NO.40199-40200/2014 AND AWARD THE COST OF THIS PROCEEDING.

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



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CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

Petitioner is before this Court claiming to be in possession and enjoyment of land measuring 4 acres and 38 guntas in Sy.No.84/P8 and another extent of 4 acres in Sy.No.84 situated at Srinivasapura Rural Village, Kasaba Hobli, Srinivasapura Taluk, Kolar District.

2. It is contented that the petitioner had made an application before the Taluk level committee seeking regularisation of his possession. By order dated 17.05.1997, an extent of 4 acres 38 guntas of land was granted in the name of the petitioner vide Order bearing No.LND/RUO(K)151/96-97. On the very same day, by another order bearing No.LNDRUO(K)151/96-97, 4 acres of land was granted in favour of Narayanappa S/o Papaya. Land granted in favour of Narayanappa has been inherited by the petitioner as said Narayanappa had no issues. Revenue records have been mutated in the name of the



petitioner and that he has set up a poultry farm and enjoying the same exclusively without any interference.

3. Things stood thus, respondent No.3 issued notice under Section 64A of the Karnataka Forest Act, calling upon the petitioner to vacate and hand over the premises.

4. Being aggrieved, the petitioner had approached this court by filing Writ Petition No.40199-40200 of 2014. The said writ petition was allowed by Order dated 14.06.2019 directing the authorities to hold an enquiry and to proceed in accordance with the law. Though the said order was passed on 14.06.2019, till date petitioner has not received notice of any enquiry as directed by this Court. However, on 23.08.2023 respondent Nos.3 to 5 with the aid of police and the labourers came to the land of the petitioner and destroyed some of the trees and attempted to demolish the buildings constructed thereon. Being aggrieved the petitioner is before this Court seeking



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direction to respondent Nos.3 to 5 not to destroy the farmhouse, poultry farm and the trees existing on the said land and also for a direction to respondent No.6 - Deputy Commissioner to comply with the order dated 14.06.2019 passed by this Court in WP Nos.40199-40200 of 2014.

5. Learned counsel for the petitioner reiterating the facts narrated above, submits that the petitioner has been in peaceful possession and enjoyment of the property same having been granted by a competent authority. In the order dated 14.06.2019, the Coordinate Bench of this Court had directed the respondent - Deputy Commissioner to conduct an enquiry. Nothing has moved thereafter. In violation of the direction, the respondent authorities are threatening and interfering with the peaceful possession of the property by the petitioner.

6. The learned AGA on the other hand submits that the enquiry as directed by this Court was with regard to authenticity of the grant and the authority of the officer



granting the land which is still inconclusive. Enquiry under Section 64A of Karnataka Forest Act, 1963 would also be conducted in accordance with law. He further submits that allegation of respondent Nos.3 to 6 interfering with the peaceful possession and enjoyment of the petitioner is unfounded. He submits relief of this nature cannot be granted in a writ petition and seeks for dismissal of the petition.

7. Heard and perused the records.

8. Petitioner being in possession of the land in terms of grant order, though genuineness/authenticity of which is being under enquiry, is not in dispute. The Co-ordinate Bench of this Court by Order dated 14.06.2019 had issued following directions:-

"13. In view of the above, writ petitions are allowed. The impugned orders dated 27.09.2008 as per Annexure-A and 06.06.2014 as per Annexure-B are hereby quashed. The respondent - Deputy Commissioner to hold enquiry after hearing both the parties and submit its report to the Principal Secretary, Forest Department as well



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as Principal Secretary, Revenue Department of the State Government. Based on the report, it is for the respondent No.4 – State Government to take appropriate steps through the concerned authorities and proceed in accordance with law."

9. Nothing is placed on record by the respondent-Authorities to have made any progress pursuant to the directions issued by this Court in conducting the enquiry as directed.

10. Since the learned AGA clarified that there has been no interference by respondents and they will not interfere until conclusion of the enquiry, the said submissions are taken on record.

11. Respondent - Deputy Commissioner to conclude the enquiry within an outer limit of six months from the date of receipt of the certified copy of this order and take further steps as directed by this Court in the aforesaid order dated 14.06.2019.



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12. Respondent - Authority shall not precipitate the matter in any manner till conclusion of such enquiry and order in this regard is passed in accordance with law.

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

Vmb
List No.: 1 Sl No.: 11