



CNR: KAHC010457112025

NC: 2026:KHC:48746-DB
WP No. 21177 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO. 21177 OF 2025 (GM-MM-S)

BETWEEN:

1. M/S. CH VEERRAJU AND CO.
PARTNERSHIP FIRM UNDER
INDIAN PARTNERSHIPS ACT
H. NO. 40, MARUTHI NAGAR
WARD NO. 9, CHIKKAMAGALUR DISTRICT
KADUR TOWN - 577 548
REP. BY ITS MANAGING PARTNER
SV SATYANARAYANA REDDY
AGED ABOUT 65 YEARS
S/O KONDAREDDY

...PETITIONER

(BY SMT. SAKSHI M. KRISHNA, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP. BY ITS SECRETARY
DEPARTMENT OF COMMERCE AND
INDUSTRIES
M.S. BUILDING, K.R. CIRCLE
BANGALORE - 560 001
2. THE DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN, RACE COURSE ROAD
BANGALORE - 560 001

Digitally
signed by
AMBKA H B
Location:
High Court
of Karnataka



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3. SENIOR GEOLOGIST
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA DIVISION
CHIKKAMAGALURU - 577 107
4. DEPUTY CONSERVATOR OF FORESTS
CHIKKAMAGALURU DIVISION
CHIKKAMAGALURU
D DEVARAJ ARASU BHAVAN
AIT COLLEGE ROAD
JYOTI NAGAR
CHIKKANAGALURU - 577 102

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE APPROPRIATE WRIT, TO SET ASIDE THE ORDER DATED 07/02/2025 BEARING NO.GaBhooEe/M-Sand/KaGaGu A.Sa.252/2023/2024-25 21543-21545 (ANNEXURE-A) PASSED BY THE RESPONDENT NO.2 AND ETC.

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 07.02.2025 passed by respondent No.2 (Director, Department of Mines and Geology) rejecting the



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petitioner's application for seeking a mining lease over the land measuring 13 acres comprised in Survey No.125 of Mallidevihalli Village, Kadur Taluk, Chikkamagaluru District.

2. The petitioner is a partnership firm and had submitted its application dated 27.03.2023 for a quarry lease for producing m-sand, under Section 31ZC of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**] over an area extending to 13 acres in Survey No.125 of Mallidevehalli Village, Kadur Taluk, Chikkamagaluru District [**subject land**].

3. Respondent No.3 (Senior Geologist) forwarded the application to the Director, DMG for consideration on 20.04.2024. The said authority submitted a technical report confirming the petitioner's sand crushing unit and the drone GPS survey of the applied area on 22.05.2024 and 18.07.2024.

4. On 08.08.2024, the Director, DMG issued a communication directing the petitioner to submit further documentation, including joint site inspection report and no objection certificates.



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5. Respondent No.4, Deputy Conservator of Forests [**DCF**], issued a letter dated 23.08.2024 to other forest officials seeking verification whether the subject land falls within the forest area. The said authority also directed that a clear opinion be issued on the 11 points detailed in the letter, including whether the subject land is a deemed forest as identified by the Public Experts Committees constituted for identifying deemed forest.

6. Subsequently, the DCF submitted a report on the points as mentioned in the letter dated 23.08.2024. The said report indicates that the subject land did not fall within the proposed area identified as deemed forest by the Public Experts Committee-1 and Deemed Forest-2. The petitioner states that subject land does not come within the purview of the reserved forest or the notified forest.

7. The petitioner also states that the Record of Rights, Tenancy and Crops [**RTC**] records that the land measuring 49 acres and 12 guntas out of 54 acres 12 guntas comprised in Survey No.125 of Mallidevihalli Village, Kadur Taluk, Chikkamagaluru District is reflected as "reserved for Mufat for cattle" and the remaining 5 acres is earmarked for a public graveyard. The petitioner states



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that the entire area comprised in Survey No.125 was earlier transferred to the Forest Department, but it is apparent that the same was returned to the Revenue Department, and RTC records the land as revenue land for the period 1992-93 to 1996-97.

8. Thereafter, the Government Order dated 08.08.1997 reserves the subject land as "Date Reserve". Forest officials conducted another inspection on 26.10.2024, and based on the inspection report and other material, the Assistant Conservator of Forests submitted a report to the DCF stating that the land falling in Survey No.125, Mallidevihalli Village, is reserved for the proposed forest area under Section 4 of the Karnataka Forest Act, 1963.

9. Thereafter, in January 2025, the DCF sent a letter to the Director, DMG stating that the area falling in Survey No.125 of Mallidevihalli Village is a forest area. The said letter also recorded that the entire extent of 54 acres and 12 guntas is recorded as "Date reserve" (*Sendi Vana*). In view of the aforesaid report, the Director, DMG rejected the petitioner's application by the order dated 07.02.2025 which is impugned in the present petition.



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10. The learned counsel appearing for the petitioner submitted that the petitioner's application has been rejected on an erroneous assumption that Date Reserve are forest areas. She referred to a Government Order dated 22.02.2003 which records that approximately 1,24,000 acres was previously under the control of the Excise Department as Date reserve. Out of the said land, 560 acres had been released for public purposes such as crematories, hospital sites and other public uses. It also mentioned that by a Government Order dated 23.08.2001, 10,000 acres of Date Reserve land had been reserved for the purpose such as cemeteries and other public utilities uses and the Finance Department has transferred the Date reserve land to Revenue Department. The said order also directed that 100 acres of barren land which is unsuitable for agriculture located in a single contiguous block be utilised for forest development schemes. She submits that the said order directs that part of such lands be utilised for public purposes as specified.

11. The State has filed its statement of objections and enclosed therewith the Government Order dated 20.05.2014. The preamble



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to the said order refers to the decision of the Supreme Court in Writ Petition (Civil) No.202/1995 (T.N.Godavarman Thirumulpad vs. Union of India), which has defined the scope of forest land under the Forest (Conservation) Act, 1980. The Supreme Court had further directed the State Government to constitute an Expert Committee to (i) identify areas which are forests irrespective of whether they are so notified, recognised or classified under any law irrespective of the ownership of the land of such forest; (ii) identify areas which are earlier forests but stand degraded, denuded or cleared; and (iii) identify areas covered by plantation trees belonging to the Government and those belonging to private persons. The said order records that the Committees had been constituted for ascertaining the areas which would fall within the definition of forests. The said order also specifies that in the light of the directions issued by the Supreme Court, the issue of deemed forests would be dealt with *inter alia* by considering (a) statutory recognised forests; (b) areas recorded as forests in the government records; (c) forests as stood in the dictionary sense and plantations. The reference in regard to the areas recorded as forests in the government records reads as under:



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"b) Areas, recorded as 'forests' in the Government records: All the land parcels that are recorded as forest, aranya, kadu, marakadu. jungle etc.. (i) in the land records (RTC Pahani etc.) maintained under the provisions of the Karnataka Land Revenue Act, 1964 (Act No. 12 of 1964) and allied statutes till 30th June 1981; (ii) All classes of lands in the survey settlement records prepared during the process of land revenue settlement: (iii). Forest Working Plans; (iv). District Census Handbooks of all the districts in the State of Karnataka: (v) All classes of lands designated as forests in the Karnataka Revenue Survey Manual, could be defined as "forest" for the purpose of the Forest (Conservation) Act. 1980."

12. In the aforesaid context, the report of the Experts Committee had included *kumki* as a part of a deemed forest and had identified 37,703.90 hectares of *kumki* lands. The notification dated 08.08.1977 also includes the lands falling in 54 acres and 12 guntas of land comprised in Survey No.127, Mallidevihalli Village.

13. In view of the respondent's stand that the subject land was recorded as forest reserve land under the Notification dated 08.08.1977, the Forest Department cannot be faulted for withholding the NOC for grant of any mining rights over the subject land. Consequently, DMG is also precluded from granting the mining rights in view of the stand of the Forest Department.



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14. In view of the above, we find no grounds to set aside the impugned communication rejecting the petitioner's application. The writ petition is, accordingly, dismissed.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

AHB
List No.: 1 SI No.: 9