



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 21845 OF 2025 (GM-FOR)

BETWEEN:

1. KHT AGENCIES PVT LIMITED
HAVING ITS REGISTERED OFFICE AT
NO.7A, SURVEY NO.35, 4TH CROSS
DEVASANDRA INDUSTRIAL AREA
K.R. PURAM HOBLI
BANGALORE - 560 048
REPRESENTED BY ITS
AUTHORISED SIGNATORY
MR. ADIT MOZARIA

...PETITIONER

(BY SRI PAWAN SHYAM, ADVOCATE FOR
SRI DHANANJAY K.V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH ITS PRINCIPAL SECRETARY
DEPARTMENT OF FOREST, ECOLOGY AND
ENVIRONMENT
M.S. BUILDING
DR. B.R. AMBEDKAR VEEDHI
BENGALURU - 560 001
2. THE REGIONAL COMMISSIONER,
BENGALURU DIVISION

Digitally signed
by PRABHAKAR
SWEETHA
KRISHNAN

Location: High
Court of
Karnataka



2ND FLOOR, BMTc BUILDING
SHANTINAGAR, K.H. ROAD
BENGALURU - 560 027

3. THE DEPUTY CONSERVATOR OF FORESTS
RAMANAGARA DIVISION
YANGAYYANAKERE
BENGALURU-MYSURU OLD HIGHWAY
RAMANAGARA - 562 159

4. THE KARNATAKA STATE
POLLUTION CONTROL BOARD
THROUGH ITS ENVIRONMENTAL OFFICER
REGIONAL OFFICE - RAMANAGARA
PARISARA BHAVANA
NEAR DC OFFICE
BENGALURU-MYSORE ROAD
RAMANAGARA - 562 159

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-1 TO 3 &
SRI A. MAHESH CHOWDHARY, ADVOCATE FOR R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF
DIRECTION, CALLING FOR THE RECORDS RELATING TO THE
IMPUGNED FINAL NOTICE BEARING NO.P5/Bhoomi/Abhipraya/
Manavi/CR-19/2023-24/426 DATED 30/06/2025, ISSUED BY THE
DEPUTY CONSERVATOR OF FORESTS, RAMANAGARA DIVISION
(RESPONDENT NO.1) VIDE ANNEXURE-W, AND AFTER EXAMINING
THE LEGALITY AND VALIDITY THEREOF, QUASH THE SAME & ETC.

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



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

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

1. The petitioner has filed the present petition, *inter alia*, impugning final notice dated 30.06.2025. The petitioner also impugns the proceedings of the Sriramadevarabetta Vulture Wildlife Eco-Sensitive Zone Monitoring Committee [**ESZ Committee**] meeting held on 14.12.2023, and the decision taken on that date. The petitioner prays that directions be issued to the ESZ Committee to reconsider the petitioner's revised proposal for establishing an ITI Training Institute and Automobile Dealership in land falling in Survey No.38/2, Basavanapura Village, Kasaba Hobli, Ramanagara Taluk [**subject land**], without insisting on demolition as a precondition, as the said industry is classified under the 'Green Category' by respondent No.4 [Karnataka State Pollution Control Board [**KSPCB**]].



2. The petitioner states that 1 acre 18 guntas of land falling in Survey No.38/2, part of the subject land, was legally converted for non-agricultural (industrial purposes) on 18.09.2021 by the Deputy Commissioner, Ramanagara District, under the provisions of the Karnataka Land Revenue Act, 1964 [**KLR Act**]. Subsequently, the petitioner acquired rights in respect of land measuring 3 acres 16.5 guntas of the subject land, which included 1 acre and 18 guntas of land that was converted for non-agricultural (industrial purposes). Thereafter, on 14.12.2022, the Greater Bengaluru-Bidadi Smart City Planning Authority granted a formal 'Single Plot Industrial Layout Plan Approval' with respect to the subject land.

3. The petitioner contended that the subject land is designated for 'Industrial Purposes' under Section 17 of the Karnataka Town and Country Planning Act, 1961. However, prior to the petitioner acquiring the subject land and the same being approved as formal single plot industrial layout, the Ministry of Environment, Forests and Climate Change, Government of India had issued a notification being S.O.2993 (E) dated 11.09.2017 declaring the



area around the Ramadevarabetta Vulture Sanctuary as Eco-sensitive zone [**ESZ**].

4. There is no dispute that the subject land is located 30 metres from the boundary of the said Ramadevarabetta Vulture Sanctuary [**Sanctuary**], which falls within the boundaries of the notified ESZ. The petitioner claims that it commenced construction activities on the subject land through its tenant (Morzaria Real Tech Private Limited) for establishing an ITI Training Institute and Automobile Dealership, sometime in early part of the year 2023. The petitioner states that after about four months after the construction had commenced, respondent No.1-the Forest Department started making enquiries regarding the project. Respondent No.3-The Deputy Conservator of Forests initiated a formal enquiry by sending a letter dated 02.08.2023 to the KSPCB seeking an opinion whether the proposed activity of 'Tata Car Sales and Service' outlet would fall under the category of 'small-scale industries not causing pollution'.

5. In the meantime, the petitioner also filed an application seeking consent to establish the Tata Car Sales and Service



outlet. The KSPCB classified the activity under the category 1303-Automobile servicing, repairing and painting (excluding only fuel dispensing) and requested that the matter be placed before the ECZ Committee for further directions.

6. The ECZ Committee conducted a meeting on 14.12.2023, which was chaired by respondent No. 2, the Regional Commissioner, Bengaluru Division. The petitioner states that its representative was also present at the meeting. The ECZ Committee considered the construction undertaken by the petitioner and passed an order for its demolition on the ground that it was a commercial building and that raising such construction in the ESZ was not permissible.

7. On 06.01.2024, respondent No.1 issued a Form IV notice under Section 19B of the Environment (Protection) Act, 1986, proposing to initiate prosecution for the construction of a commercial building. The petitioner states that, thereafter, a comprehensive revised project report dated 07.02.2024 was prepared by Morzaria Real Tech Private Limited. The report classified the proposed ITI Training Institute and Automobile



Dealership as a 'Green Category' venture. The report also details Green Initiatives, including renewable energy integration, pre-cast construction methods, rain water harvesting, robust waste management and green belt development with a projected total cost of ₹2.75 crores.

8. The petitioner states that thereafter, respondent No.2 sent a letter dated 01.03.2024 instructing respondent No.1 to examine the petitioner's modified proposal and to place it before the ESZ Committee. However, notwithstanding the same, respondent No.1 had proceeded to issue the demolition order dated 04.03.2024.

9. The petitioner filed a writ petition being W.P.No.10460/2024 before this Court assailing the notice and the demolition order. However, the petitioner claims that it withdrew the said writ petition to raise a comprehensive challenge in view of subsequent developments and communications received from the respondents. The petitioner contends that the proposed project falls within the classification set out in the notification dated 15.06.2016. The petitioner also claims that certain authorities, including the Joint Director, District Industries Centre, have



confirmed that the petitioner's activities for educational purposes and the sale of motor vehicles do not fall under the specific industrial policy (Industrial Policy 2020-23) and are not prohibited. Thereafter, respondent No. 1 issued a final notice dated 18.12.2024. The petitioner responded by reiterating its stand and stated that it had ceased all activities on the site after 14.12.2023.

10. The petitioner's request for approval of the revised project, was placed before the ESZ Committee on various occasions. However, the same was not considered. Finally, on 19.06.2025, the ESZ Committee declined to consider the revised project on the grounds of non-compliance with the earlier demolition order. In view of the same, the petitioner has filed the present petition.

11. The petitioner claimed that it has downgraded its project and has only now proposed to establish an ITI training institute along with a motor vehicle service centre. However, the petitioner's downgraded project has not been considered. The petitioner also claims that the entire construction has been raised and that demolishing it before taking a decision would unfairly prejudice the petitioner. In the aforesaid context, this Court had passed an order



on 22.07.2025 observing that it would be apposite for the concerned authority to take an informed decision before any precipitative action is taken.

12. The learned Additional Government Advocate appearing on behalf of respondent Nos.1 to 3 has filed the statement of objections stating that the State Government in exercise of powers under Section 26-A of the Wildlife (Protection) Act, 1972 issued a notification dated 30.01.2012 declaring 346.41 hectares of land as 'Ramadevara Betta Vulture Sanctuary' as it had adequate ecological fauna, floral, geomorphological, zoological association and importance and for the purpose of protecting, propagating and developing wildlife or its environment. Thereafter, in terms of the notification dated 11.09.2017, the Ministry of Environment, Forest and Climate Change (GOI) had notified an extent varying from 130 metres to 1.80 kilometres from the boundary of Ramadevarabetta Vulture Sanctuary as ESZ.

13. Undisputedly, the subject land falls within the ESZ as notified. It is pointed out that 2.27 acres of land had been converted from agricultural to non-agricultural purpose by an order



dated 10.09.1981. The conversion order was passed pursuant to an application dated 25.07.1981 for conversion of land for the purpose of Small Scale Industrial Enterprises to carry on an agro-based industrial activity and to specifically establish a coconut based project for manufacturing desiccated coconut powder, coconut shell charcoal etc. Thereafter on 18.09.2021, 1.18 acres of the subject land was converted from agricultural to industrial purpose. The same was done without verifying whether the subject land fell in the ESZ. However, the conversion order specifically stipulated as under:

"the Order is based on the affidavit filed by the applicant. In case this land is ever subject to any Land Acquisition/Forest Area/Eco-Sensitive Zone and if it is found that any case has been registered in any Court on the land, this Order shall stand cancelled without any notice and shall be subject to all conditions as per the opinion given by the concerned authority."

14. The learned Additional Government Advocate contends that the petitioner was fully aware that the subject land was located within the ESZ, yet took no permission from the Forest Department or the ESZ Committee.



15. It is contended that the petitioner's request to construct a building for the purpose of commercial activity and its representation dated 03.07.2023 to the said effect was placed before the ESZ Committee on 14.12.2023 and the same was rejected. It is also contended that although a modified project and proposal were submitted, it was not permissible to grant approval as the proposed activity was a commercial activity. Consequently, the petitioner's proposal was rejected.

16. The only question that falls for our consideration is whether it is permissible for the petitioner to carry on the proposed activities. It is relevant to refer to the notification dated 11.09.2017 issued by the Central Government (Ministry of Environment, Forest and Climate Change) to examine whether the activity as proposed is permissible. Paragraph 4 of the said notification sets out a table indicating the activities that are prohibited or regulated. The entry at Sl.No.16 of the said table is relevant and is reproduced below:

16.	Construction activities	(a) No new commercial construction of any kind shall be permitted within one Kilometre from the boundary of the Protected Area or upto extent of the Eco-sensitive Zone whichever is nearer:
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		Provided that, local people shall be permitted to undertake construction in their land for their use including the activities listed in sub paragraph (1) of paragraph 3 as per building byelaws to meet the residential needs of the local residents such as: (i) Widening and strengthening of existing roads and construction of new roads; (ii) Construction and renovation of infrastructure and civic amenities; (iii) Small scale industries not causing pollution termed as per Classification done by Central Pollution Control Board of February 2016; (iv) Cottage industries including village industries; convenience stores and local amenities supporting eco-tourism including home stays; and (v) Promoted activities listed in this Notification. Provided that the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent
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		authority as per applicable rules and regulations, if any. (b) Beyond one kilometre it shall be regulated as per the Zonal Master Plan
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17. It is clear from the above that no new commercial construction of any kind is permitted within 1 kilometre from the boundary of the protected area or upto the extent of the ESZ.

18. Whilst new construction activity is impermissible, the proviso carves out exceptions to the rule. New construction confined to meeting the residential needs of the local residents is excluded from the rigours of the rule. Clearly, the petitioner's revised proposed activity of dealership of motor vehicles (TATA) and running an ITI Institute, does not qualify as an activity permissible in terms of paragraph 3(1) of the notification dated 11.09.2017. It is also noted that the regulated activities include skill development (Sl.No. 42). However, the petitioner can take no advantage of the said activities.

19. However, we may not be persuaded to accept that the petitioner can justify the construction raised under the said category. The construction raised by the petitioner in the subject



land is clearly for commercial purposes and such activities are expressly prohibited. The petitioner has proceeded to raise the construction notwithstanding the notification and without any prior approval from the ESZ Committee.

20. In view of the above, we find no fault with the impugned order. The petition is accordingly dismissed.

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

**Sd/-
(C.M. POONACHA)
JUDGE**

KPS
List No.: 2 Sl No.: 15