



CNR: KAHC010591732024

NC: 2026:KHC:48958-DB
WP No. 27967 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH 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. 27967 OF 2024 (GM-MM S)

BETWEEN:

1. M/S. WESTERN INDUSTRIES
A FIRM REGISTERED UNDER
THE PARTNERSHIP FIRM
HAVING ITS REGISTERED OFFICE
AT MENDES CENTRE
VIJAYANAGAR, MOODBIDRI
DAKSHINA KANNADA DISTRICT - 574 227
REPRESENTED BY ITS
MANAGING PARTNER
SRI. WALTER STEPHAN MENDES
S/O LATE BASIL MENDES

...PETITIONER

(BY SRI. BHAT GANAPATHY NARAYAN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
KARNATAKA FOREST DEPARTMENT
ARANYA BHAVAN, 18TH CROSS
MALLESHWARAM, BENGALURU - 560 003
2. THE DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN, 5TH FLOOR
RACE COURSE ROAD
BENGALURU – 560 001



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3. THE JOINT DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
SOUTH ZONE, 1ST 'D' CROSS, 'I' BLOCK
RAMAKRISHNANAGAR (DATTAGALLI)
MYSURU - 570 022
4. THE DEPUTY DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
DAKSHINA KANNADA DISTRICT
JUGUL TOWERS, MALLIKATTE, MANGALORE
DAKSHINA KANNADA DISTRICT - 575 002
5. THE TAHSILDAR
POLICE QUARTERS, BELTHANGADY
DAKSHINA KANNADA - 574 214
6. THE ZONAL FOREST OFFICER
VENUR ZONE
RANGE FOREST OFFICE
BELTHANGADI
DAKSHINA KANNADA DISTRICT – 574 242

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R1 TO R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY APPROPRIATE ORDER BY QUASHING THE IMPUGNED ORDER DATED 24.07.2024 BEARING SI.No.GA.BHU.E/JO.NI/DA.VA.MY/REVISION/76-2023-24/2024-25/1377-79 IN REVISION PETITION No.76/2023-24 PASSED BY THE RESPONDENT No.3 AS PER ANNEXURE-K AND CONSEQUENTLY QUASH THE IMPUGNED REJECTION ORDER DATED 02.09.2014 BEARING



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SI.No.GA.BHU.E/U.NI.MO/KA.GA.GHU/2014-15/3798 PASSED
BY THE RESPONDENT NO.4 AS PER ANNEXURE-D IN THE
INTEREST OF JUSTICE AND EQUITY 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 24.07.2024 passed by respondent No.3
(Revisional Authority) in revision petition No.76/2023-24, which was
preferred against the rejection order dated 02.09.2014 passed by
respondent No.4 [**Deputy Director, DMG**].

2. The petitioner also prays that directions be issued to
respondent No.4 to obtain a fresh No Objection Certificate [**NOC**]
regarding the quarry lease for the applied area and grant the
quarrying lease as sought for.



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3. The petitioner had made an application dated 01.06.2012 for grant to quarrying lease for extracting building stone over an area of 6-00 acres falling in Sy.No.105/1 situated at Peradi village, Belthangadi Taluk, Dakshina Kannada District. On the same day, respondent No.4 had sent a letter to respondent No.6 (Zonal Forest Officer) regarding NOC in respect of the applied area.

4. The petitioner states that on 16.11.2012, respondent No.4 obtained NOC from officials of the various revenue authorities. It is stated that the Tahsildar, Belthangadi Taluk had issued NOC stating that 5.73 acres of land falling in Sy.No.105/P1 was unfit for agriculture and no land was reserved for public purposes, schools, temples, mosques, churches and other religious institutions and no residential houses within 200 meters of the applied area and therefore mining can be permitted.

5. However, on 22.06.2012, the Forest Department sent a letter objecting to grant of quarrying lease on the ground that the applied area was a forest land. In view of the above, on 02.09.2014, respondent No.4 rejected the petitioner's application for quarrying lease.



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6. The petitioner did not take any steps thereafter. He claims that he was unaware of the rejection order.

7. The petitioner claims that he found that certain other persons were inspecting the applied area and this prompted him to enquire about the status of his application. He found that his application had been rejected on 02.09.2014.

8. Thereafter, after about eight (8) years of the rejection order, the petitioner filed a revision petition before the Revisional Authority impugning the rejection order dated 02.09.2014. The said revision petition was rejected by the impugned order on two grounds. First, it was filed belatedly; and second, the applied area was the deemed forest area.

9. The Revisional Authority noticed that the area in question is also mentioned in the list of deemed forests furnished before the Supreme Court in W.P.(Civil) No.202/1995.

10. The petitioner seeks to challenge the impugned order on the ground that its application could not have been rejected on the ground of delay as the petitioner was not aware of the rejection.



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Second, the petitioner claims that in fact the statement annexed to the Government Order Dated 05.05.2022 does not include the applied area within the deemed forest in the State.

11. The learned counsel appearing for the petitioner referred to a statement showing details of these deemed forests of Government Order dated 15.05.2014 and submitted that although other areas of the Belathangadi Taluk have been included, the applied area is not mentioned.

12. The State has filed an affidavit affirmed by the Range Forest Officer, who unequivocally states that the total extent of 9.57 acres falling in Survey No.105/1 of Peradi Village was classified as 'Kumki' land and was included in the list of deemed forests. The State had also filed the details of the deemed forest of Venur Range as per the Revised Expert Committee-1 constituted pursuant to the interim orders passed in WP (Civil) 202/1995. The report refers to certain lands in Peradi village, which include 9.57 acres in Sy.No.105/1. The State has also enclosed therewith the Government Order dated 15.05.2014 constituting a committee to verify/review the areas as 'deemed forests' and categorize the



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forests as “(a) statutory forests (b) recorded as ‘forests’ in Government records and (c) as areas which are ‘forests’ as per dictionary definition based on field verification” as per the criteria and methodology approved in paragraph 11 of the Preamble.

13. Serial No.3 of the tabular statement refers to ‘District Forests’ and expressly includes ‘*Kumki*’ lands. The annexure to the notification includes the report of the Revised Expert Committee-1, which lists an area of 37,703.90 hectares of *Kumki* lands as deemed forests under the classification of ‘District Forests’.

14. In view of the above, the State has produced ample materials to indicate that the objections raised by the Forest Department are justified and thus the rejection of the petitioner's application for quarrying lease for the applied area cannot be faulted. The writ petition is, accordingly, dismissed.

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

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

KMV/List No.: 2 SI No.: 14