



CNR: KAHC010657922024

NC: 2026:KHC:39244-DB
WP No. 30755 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO. 30755 OF 2024 (KLGP)

BETWEEN:

SRI. RAMANNA NAIKA,
S/O PARAMESHWARA NAIKA,
AGED ABOUT 93 YEARS,
NEERABIDIRE VILLAGE,
SULIA KASBA HOBLI,
SULIA TALUK,
SULIA - 574 239.
DAKSHINA KANNDA DISTRICT.

...PETITIONER

(BY SRI. M.S. NAGARAJA., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY RANGE FOREST OFFICER,
SULIA REGIONAL FOREST RANGE,
SULIA, D.K. DISTRICT - 574 239.
2. THE TAHASILDAR,
SULIA TALUK,
DAKSHINA KANNADA
DISTRICT - 574 239.

...RESPONDENTS

(BY SRI. S.H. RAGHAVENDRA, AGA FOR R1 AND R2)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE OF WRIT OF CERTIORARI QUASH THE ORDER PASSED BY THE ORDER PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT (COURT HALL-1) AT BENGALURU IN LGC (G) 9995/2021 DATED:08.08.2024 VIDE ANNEXURE-D, ONLY TO THE EXTENT OF DIRECTION ISSUED TO THE RESPONDENT, RANGE FOREST OFFICER TO TAKE POSSESSION OF 1 ACRE 24 CENTS OF FOREST LAND IN Sy. No. 47/6 OF SULIA KASABA VILLAGE, SULIA TALUK, D.K. DISTRICT, WHICH IS ALLEGED TO HAVE BEEN ENCROACHED BY THE PETITIONER AND ETC.,

THIS WRIT PETITION IS COMING ON FOR PRELIMINARY HEARING 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

This petition under Articles 226 and 227 of Constitution of India by the petitioner/accused before the Land Grabbing Special Court in LGC (G) 9995/2021, calling in question the order dated 08.08.2024 (Annexure-D),



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passed by the Karnataka Land grabbing Prohibition Special Courts at Bengaluru, only to the extent with respect to the direction issued to Range Forest Officer, Sullia Regional Forest Range, Sullia to take possession of 1 acre 24 cents of forest land in Sy.No.47/6 of Sullia Kasaba Village, Sullia Taluk, Dakshina Kannada District, alleged to have been encroached by the accused/petitioner herein, in addition to land to an extent of 2 acres 16 cents, granted in favour of the accused in a time bound manner.

2. The facts germane to file this present petition are as under:

2.1 A complaint came to be filed by Range Forest Officer alleging that the petitioner had encroached 3 acres 40 cents of Ubaradka Mittur Reserve Forest land in Sy.No.47/6 of Sullia Kasaba Village, Sullia Taluk, Dakshina Kannada District, and has grown coconut, areca nut and rubber trees and thereby committed the alleged offence.



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2.2 The Special Court for Land Grabbing¹, after securing the records found that the area falls within the jurisdiction of the Court, took cognizance under Section 4(3) and 5 of the Karnataka Land Grabbing Prohibition Act, 2011², on prima facie material against the accused.

2.3 When the matter was listed for framing of charge, the accused as well as the learned Public Prosecutor for the complainant were heard. It was contented on behalf of the petitioner that 2 acres 16 cents of land had been granted in favour of the accused by the revenue authorities and, as such, the accused was not a 'land grabber'. It was his further contention that RTC had also been issued in that behalf and in view of Section 2(d) of the Act, the present case was not maintainable before the SCLG, as it was not a 'land', within the definition of the section afore.

¹ 'SCLG' for short

² 'the Act 2011' for short



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2.4 However, refuting the submissions, the Special Public Prosecutor with all vehemence submits that, record indicate that 2 acres 16 cents of land in Sy.No.47/6AP2 of Sullia Kasaba Village had been granted in favour of the accused, but his possession is to the extent of 3 acres 40 cents, that itself shows that the accused has encroached the forest land and prima facie material to show that the accused has committed an offence under the provisions of the Act, by encroaching the forest land and sought to reject the contention of the accused and frame the charge.

2.5 The SCLG after hearing the rival submissions framed points for consideration and answered the same in favour of the accused holding that, in view of the specific contention of the learned Public Prosecutor that 2 acres 16 cents of land had been granted in favour of the accused and the accused is in encroachment with excess land and to which the



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learned counsel for the accused submitted that, if any excess land was there in his possession other than the granted land, the accused would be ready to give up the said land to the forest authorities and the forest authorities may take possession of the land other than the land which has been granted to him.

2.6 In that view of the matter, the proceedings initiated against the accused were dropped and the Range Forest Officer, Sullia Regional Forest, Sullia was directed to take possession as stated above. It is this order passed by SCLG calling in question in this writ petition.

3. Heard Sri.M.S.Nagaraja, learned counsel for the petitioner and Sri.S.H.Raghavendra, learned Additional Government Advocate for respondent Nos.1 and 2.

4. The contention of the petitioners is that the Land Grabbing Court erred in directing the Range Forest Officer, to take possession of the land. Since the land itself



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does not come under Section 2(d) of the Act 2011, the Court has no jurisdiction to pass the order. In that view of the matter, the direction issued is required to be quashed.

5. In contrast, Sri.S.H.Raghavendra, learned Additional Government Advocate argued in support of the order passed by the SCLG.

6. We are unable to countenance the contention put forth by the learned counsel for the petitioner, since it was specifically contended before the SCLG, that, if there was any excess land other than the granted land, the accused would be ready to give up the land and the Forest Authorities could take possession of the land other than the land which has been granted to him.

7. In view of the specific contention of the learned Public Prosecutor that only 2 acres 16 cents of land been granted, but the accused/petitioner has encroached excess land, more than the land granted. Accordingly, the Land Grabber Court directed Forest Authorities to take



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possession of the land. For convenience, we extract paragraph No.11, which reads as under:

"It is the specific contention of the learned Public Prosecutor that even if 2 acres 16 cents has been granted, but actually the accused has encroached excess land other than the land granted to him and, as such, there is prima facie material to show that the accused has committed an offence under the Act. But, it is the specific contention of the learned counsel for accused that if any excess land is there other than the granted land, the accused is ready to give up and the forest authorities can take possession of the land other than the land which has been granted to him. In that light, we are of the considered opinion that the accused has made out a case to drop the proceedings. In the light of the discussion made above, we answer point No.1 in the Affirmative."

8. In that view of the matter, we find no error in the order passed by the SCLG. Accordingly, the Writ Petition sans merit and is hereby ***dismissed***.



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9. In view of dismissal of the Writ Petition, pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

PK
List No.: 1 Sl No.: 30
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