



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH 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. 31297 OF 2025 (GM-FOR)

BETWEEN:

1. SRI G. RAJASHEKHAR
S/O LATE G. CHANNASOMANNA
AGE ABOUT 75 YEARS
RESIDING AT No.I-1004
BRIDGADE GATEWAY
26/1, DR. RAJKUMAR ROAD
BENGALURU - 560 055

...PETITIONER

(BY DR. PRAJWAL K. ARADHYA, ADVOCATE FOR
SRI S. KALYAN BASAVARAJ, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF FOREST, ECOLOGY AND
ENVIRONMENT
4TH FLOOR, M.S. BUILDILNGS
DR. B.R. AMBEDKAR VEEDHI
BENGALURU - 560 001
2. RANGE FOREST OFFICER
OFFICE OF THE RANGE FOREST OFFICER
GUBBI ZONE, GUBBI 572216

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA)

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



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF PROHIBITION PROHIBITING THE RESPONDENT No. 2 FROM PROCEEDING WITH THE INVESTIGATION PURSUANT TO THE IMPUGNED NOTICE DATED 06.10.2025 IN CASE No.07/2025-26 PRODUCED AT ANNEXURE-'A' & 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 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*, praying as under:

"Issue a Writ of Prohibition prohibiting the Respondent No.2 from proceeding with the investigation pursuant to the impugned notice bearing No.VA.A.A..Gubbi.V.Va.113/2025-26 dated 06.10.2025 in case No.07/2025-26 produced at **Annexure 'A'**"

2. The petitioner is aggrieved by a notice dated 06.10.2025. A plain reading of the said notice indicates that it has been issued directing the petitioner to appear for enquiry in connection with Gubbi Range Forest Case No.7/2025-26 registered on 15.09.2025. The notice also indicates that it is in relation to an offence



punishable under Section 24(gg) and 24(j) of the Karnataka Forest Act, 1963 [**the said Act**].

3. The learned Additional Government Advocate fairly states that as far as reference to an offence under Section 24(j) of the said Act is concerned, there is no evidence or material, which suggest commission of the offence of entering the reserved forest with firearms or any other weapons. There is no allegation which would even remotely suggest contravention of Section 24(j) of the said Act. She states that the enquiry relates to illegal occupation of forest land.

4. Perusal of the statement filed by the learned Additional Government Advocate under cover of a memo dated 06.01.2026 indicates that the enquiry pertains to encroachment of 0.65 hectares in areas of dumps; 0.51 hectares in the lease area; and 2.50 hectares of other land (total encroachment of 3.16 hectares) as well as production of iron ore from the period 1990-1991 to 2010-2011.

5. *Prima facie*, the said allegation is covered by the decision of the Supreme Court in **Samaj Parivartana Samudaya v. State of**



Karnataka: Writ Petition (Civil) No.562/2009. It is also stated that an FIR, being FIR No.3/2025 dated 13.02.2025, has also been filed by the Special Investigation Team, Karnataka Lokayukta. Admittedly, the said FIR also relates to the same allegations – encroachment of land and production of iron ore during 1990-91 to 2010-11. The said FIR has been challenged by the petitioner in Writ Petition No.18485/2025 and the same has been stayed.

6. The learned Additional Government Advocate submits that the present enquiry relates to the investigation carried on by the Special Investigation Team, Karnataka Lokayukta regarding the aforesaid allegations.

7. In view of the above, the principal question, which falls for consideration is whether any further enquiry can be undertaken in respect of the said allegations, which according to the petitioner stood settled by the decision of the Supreme Court in **Samaj Parivartana Samudaya** (*supra*). It is not disputed that the same allegations are also the subject matter of the FIR which is impugned by the petitioner in Writ Petition No.18485/2025 (GM-RES).



8. Considering the above as well as considering that the impugned notice has been issued alleging an offence which admittedly has no relation to the allegations made against the petitioner, we consider it apposite to set aside the said notice. Further, we clarify that if the petitioner does not succeed in the said petition and the allegations covered under the FIR, are held to be maintainable, the concerned authority shall not be precluded from initiating further proceedings as well.

9. The petition is disposed of in the aforesaid terms.

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

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