



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 32023 OF 2025 (GM-MM-S)

BETWEEN:

1. SRI N.R. ANANTHA KUMAR
S/O. LATE N.T. RANGE GOWDA
AGED ABOUT 53 YEARS
NYAMANAHALLI VILLAGE
MAVINAKERE POST
HOLENARASIPURA TALUK
HASSAN DISTRICT - 573 211

...PETITIONER

(BY SRI SWAMY M.M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY
VIDHAN SOUDHA
BENGALURU - 560 001
2. THE SECRETARY TO GOVT
AND REVISING AUTHORITY
DEPARTMENT OF COMMERCE AND INDUSTRIES
VIKAS SOUDHA, BENGALURU - 560 001
3. THE DIRECTOR AND COMMISSIONER,
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN
RACE COURSE ROAD
BENGALURU - 560 001

Digitally
signed by K
P SWETHA
Location:
High Court
of Karnataka



4. THE SENIOR GEOLOGIST
DEPARTMENT OF MINES AND GEOLOGY
GRAMA PANCHAYAT ROAD
BEHIND R.T.O. OFFICE
SATHYAMANGALA
HASSAN - 573 201
5. THE DEPUTY CONSERVATOR OF FORESTS
HASSAN DIVISION
HASSAN - 573 201
6. THE ASSISTANT CONSERVATOR OF FOREST
SAKLESH PURA SUB-DIVISION
SAKLESH PURA
7. THE RANGE FOREST OFFICER
ARKALGUDU DIVISION
ARAKALAKUDU - 562 101
8. THE DISTRICT COMMISSIONER AND
LICENSING AUTHORITY
DISTRICT STONE CRUSHING UNIT LICENSING
AND REGULATION AUTHORITY
HASSAN DISTRICT
HASSAN - 573 201

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI AND QUASH THE ORDER/ COMMUNICATION ISSUED IN No.B4/Bhoomi/Deemed Forest/Sabhe/2015-16 DATED 22.08.2024 BY THE RESPONDENT No.5 VIDE ANNEXURE-M AND ORDER/ NOTICE ISSUED IN No.GaBhuE/HiBhuHa/Deemed Forest/KaGaGuShaa/2024-25/3522 DATED 05.09.2024, BY THE RESPONDENT No.4 VIDE ANNEXURE-N & 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 impugning the communication/letter dated 22.08.2024 issued by respondent No. 5 (Deputy Conservator of Forests) and addressed to respondent No. 4 (Senior Geologist); and the consequential order/notice dated 05.09.2024 issued by respondent No.4 directing the petitioner to stop quarrying and crushing activities.

2. In terms of the said letter, respondent No. 5 communicated the decision to withdraw the No Objection letters [**NOC**] issued by the Forest Department for permitting quarry leases in areas which are deemed forests. The said letter also referred to the lands measuring 135.97 hectares, falling under Survey No. 102, Holenarasipura, Nyamanahalli. These lands also included land on which the petitioner was carrying on quarrying and operating a crushing unit.



3. The petitioner was granted a quarry lease over an area of 10 acres in Survey No.102 of Nyamanahalli Village, Holenarasipura Taluk, Hassan District, for a period of 20 years under a registered lease deed dated 25.07.2017 for the extraction of building stone for the purpose of manufacturing M-Sand. The petitioner also secured a licence dated 18/24.06.2020 to commence a stone crushing unit on his patta land, Survey No. 138, measuring 2.16 acres, in Nyamanahalli Village, Holenarasipura Taluk, Hassan District.

4. The impugned order indicates that the Principal Secretary to the Government, Forest and Environment Department, had filed an affidavit before the Supreme Court setting out the extent of the State's total areas under protected forests. The Supreme Court had accepted the said affidavit.

5. The said affidavit was filed pursuant to the directions issued by the Supreme Court in **T.N. Godavarman Thirumulpad v. Union of India and Others (W.P. (Civil) No. 202/1995)**¹. In the said decision, the Supreme Court had accepted an expansive

¹ (2008) 9 SCC 711



definition of forest and forest land for the purpose of the Forest (Conservation) Act, 1980 and observed as under:

"it has emerged at the hearing that there is a misconception in certain quarters about the true scope of Forest (Conservation) Act-1980 (for short the "Act") and the meaning of the word 'forest' used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.

The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance and therefore the provisions made therein for the conservation of forests and for matters connected herewith must apply to all forests irrespective of the nature of ownership or classification thereof. The word 'Forest' must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term 'forest land', occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as 'forest' in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act-1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof."

6. The Supreme Court had further directed each State Government to constitute an Expert Committee within a month to:

"1. identify areas which are "forests irrespective of whether they are so notified. Recognized or classified



under any law and irrespective of the ownership of the land of such forest;

ii. identify areas which were 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".

7. Pursuant to the said directions, the Government of Karnataka had constituted an Expert Committee, which had submitted its report. The said Expert Committee was subsequently reconstituted as the High Level Expert Committee in view of the observations of the Central Empowered Committee. Based on the report of the High Level Expert Committee, a total area measuring 3,30,186.93 hectares was approved as deemed forest, and the State Government issued an Executive Order (Government Order No.FEE 185 FAF 2011 Bengaluru dated 05.05.2022) notifying certain lands as deemed forests.

8. In view of the High Level Expert Committee report, an affidavit was also filed on behalf of the State Government before the Supreme Court, *inter alia*, affirming that an area measuring 3,30,186.93 hectares had been identified as deemed forest. The said affidavit was accepted by the Supreme Court by an order



dated 18.08.2023, passed in Interlocutory Application No.44942/2019.

9. The question of whether any non-forest activities could be permitted in areas notified as forest is no longer *res integra*. The question raised in the present petition was also considered by a Co-ordinate Bench of this Court in **Ashoka Buildcon Limited and another v. The State of Karnataka and others**². This court had declined to grant the reliefs sought. The relevant extract of the said decision is set out below:

"4. Having heard the learned counsel for the parties and having perused the petition papers, we decline indulgence in the matter for the following reasons:

(a) In the impugned endorsement the 2nd respondent – DCF, *inter alia*, having considered the report of the Range Forest Officer has specifically stated that the subject land in Survey Nos.67 & 68 which in all measures 104A – 04G has been stated to be a part of the forest in the affidavit submitted to the Apex Court. Added, there is a statutory Notification issued by the Government on 05.05.2022 enlisting the subject lands of Sadarahalli Village as the forest lands.

(b) Learned AGA is right in submitting that the exercise undertaken by the 2nd respondent – DCF has a statutory favour in the light of the Apex Court decisions in series rendered in T.N.GODAVARMAN THIRUMULPAD, In re vs UNION OF INDIA, 2022 SCC OnLine SC 716 wherein para 25 reads as under:

² (W.P.No.22279/2023) NC:2023:KHC:36969-DB



“The Forest (Conservation) Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest (Conservation) Act. The term “forest land”, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest (Conservation) Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. ... We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this Court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay.”

The impugned order made by the 2nd respondent who is a high ranking IFS official broadly accords



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with the inner voice of the observations. It hardly needs to be stated that the power this Court exercises under Articles 227, the other provision namely, Article 226 employed in the pleadings ornamentally, is not of Appellate Authority and therefore, we cannot adjudge the mixed question of law & fact as to whether a particular land is comprised in a forest (as broadly explained by the Apex Court) by reappreciating the evidence which has been duly considered by the statutory Authority. After all, the focal point of judicial review is the decision making process and not the decision itself. A perusal of the material on record and more particularly, the contents of the impugned order do not warrant any deeper examination of the matter.

(c) The vehement submission of learned counsel for the petitioners that the observations of the decision of a Co-ordinate Bench of this Court in **DHANANJAY** supra would come to the aid of his clients in demonstrating that the subject land is not part of the forest, is bit difficult to countenance. In the said decision, there is profitable discussion about the term 'deemed forest' not figuring in the legal literature and that it is "foreign to the law", is true. However, that per se does not advance the case of the petitioners more particularly when the substance of the impugned order treats the subject lands as being part of 'forest' although the wrong terminology that is 'deemed forest' is inadvertently employed therein. It hardly needs to be stated that the law is not a slave of dictionary. What we are construing is not the statute but, an order made by the Statutory Authority presumably having the accumulated wisdom in the field. A Writ Court cannot substitute its opinion for that of the Competent Authorities. Viewed from that angle petitioner, we cannot much bank upon the documents in Annexure-Q series which comprise of the aerial map, joint survey maps, Google maps & mahazar report to falter the impugned order which is well structured. There is scope for improvement even in heaven, is beside the point."



10. A similar question was also raised in **Sri D.M. Deve Gowda v. The Principal Chief Conservator of Forests and Others**³. In the said case, a Co-ordinate Bench of this Court had noted that the affidavit filed by the Government of Karnataka before the Supreme Court, affirming that an extent of 3,30,186.93 hectares had been identified as deemed forest, was accepted. Therefore, no non-forest activities could be permitted in the said area. The relevant extract of the said decision is set out below:

"3. Having heard the learned counsel appearing for the parties and having perused the Petition papers, we are broadly in agreement with the submission of learned Government Advocate appearing for the official Respondents, there being nothing repugnant in the record of the case. The Apex Court in the subject case had made an order dated 12.12.1996 describing forest, forest lands and deemed forests. In terms of the said order, High Level Expert Committees were constituted to study and submit the report. The report was submitted on 02.04.1997. Accordingly, the Government of Karnataka had filed the Affidavit enlisting *inter alia*, that the lands that fall into the description of deemed forest.

4. Learned Government Advocate Mr. Mahendra is right in submitting that the Apex Court vide order dated 18.08.2023 on Interlocutory Application No. 44942/2019, has accepted the report of the Expert Committee and the Affidavit which enlists the lands including those comprised in the Petitions. The reply of Mr. Holla that although Affidavit has been filed, there is no order accepting the same, is bit difficult to countenance. The Apex Court order reads as under:

³ (W.P.No. 4152/2023 and connected matter) NC:2024:KHC:13518-DB



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"1. In pursuance to the judgment passed by this court on 12.12.1996 [T N GODAVARMAN TIRUMALPAD vs. UNION OF INDIA (1997) 2 SCC 267], the State of Karnataka has submitted that it has constituted an Expert Committee.

2. In the affidavit, it is further stated that as per the report of the Committee an area ad measuring 3,30,186.93 hectares has been identified as deemed forest and the same has also been approved by the State Government. 3. The said compliance is taken on record.

4. The application stands disposed of."

11. The present petition was listed for hearing on 04.11.2025 and this Court had noted the aforesaid decisions. However, it was contended on behalf of the petitioner that the subject land does not fall within the area of 3,30,186.93 hectares identified as deemed forests.

12. In view of the above, the notice in the present petition was issued confined to the question whether the leased lands fall within the said area of 3,30,186.93 hectares. Paragraphs 5 and 6 of the order dated 04.11.2025 are set out below:

"5. In the present case, it is stated that the land in question is classified as deemed Forest and covered in the area of 3,30,186.93 hectares which had been identified by the State Government. Concededly, if the said statement is correct, the decision of respondent No.5 in withdrawing the NOC cannot be faulted; however the learned counsel appearing for the petitioner submits that the lands in question do



not fall within the area of 3,30,186.93 hectares, which have been identified as deemed forest.

6. In the aforesaid view, we issue notice, to the limited question of considering whether the land in question falls within the said area."

13. Respondent No.5 (Deputy Conservator of Forests) has filed an affidavit enclosing therewith an appendix to the Government Order dated 05.05.2022, which sets out that the area to the extent of 18091.53 Hectares in the District of Hassan has been identified as deemed forest. The affidavit also encloses therewith a tabular statement setting out details of the said parcel of lands in Hassan falling within the deemed forest area in Survey No.102 of Nyamanahalli Village, Hassan to the extent of 135.97 hectares was included in the said land.

14. In view of the above, there is no doubt that the subject land leased to the petitioner falls within the area identified as deemed forest, and no quarrying activities can be carried on the said land.

15. The learned counsel for the petitioner submitted that the State Government has also issued an order dated 06.03.2025 constituting various Expert Committees at the District Level, Revenue Divisional Level, and the State Level for preparing a consolidated record of lands in respect to which the Van



(Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is applicable. The committees are also tasked with categorising the forest into three mutually exclusive categories: Declared or Notified as Forests; land recorded as Forest in the government record; and Forests like Areas (Deemed Forest). He submitted that while undertaking the said exercise, certain areas, which have been earlier declared as deemed forests, may be excluded. However, there is no dispute that, at this stage, the leased lands are included as deemed forests and, pursuant to the orders of the Supreme Court in **T.N. Godavarman** (*supra*), quarrying activities cannot be permitted on the subject land.

16. In view of the above, the present petition is dismissed.

17. Pending application stands disposed of.

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

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