HC-KAR

NC: 2026:KHC:61546-DB
WP No. 22642 of 2026

CNR: KAHC010503412026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO. 22642 OF 2026 (GM-MM-S)

BETWEEN:

1. M/S SUVEERA ENTERPRISES LLP
HAVING AT: GADIGI PALACE
CAR STREET
BALLARI – 583 101
REPRESENTED BY ITS PARTNER
MR. ALLUM PRASHANT
AGED ABOUT 49 YEARS

...PETITIONER

(BY SRI ANIRUDH ANAND, ADVOCATE)

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

AND:

1. STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF FOREST
ENVIRONMENT AND ECOLOGY
M.S. BUILDING
BANGALORE – 560 001

2. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
BY ITS PRINCIPAL SECRETARY
AND NODAL OFFICER
ARANYA BHAVAN
18TH CROSS, MALLESHWARAM
BENGALURU – 560 003
KARNATAKA

3. DEPARTMENT OF MINES AND GEOLOGY
REPRESENTED BY ITS DIRECTOR
KHANIJA BHAVAN
RACE COURSE ROAD
BANGALORE - 560 001

4. THE DEPUTY CONSERVATOR OF FORESTS
TUMAKURU DIVISION
TUMAKURU DISTRICT – 572 101

5. THE RANGE FOREST OFFICER
GUBBI RANGE
TUMUKURU DISTRICT – 572 116

…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 OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE ENDORSEMENT BEARING NO.A5/Land/Quarry/CR-794/2025-2026 DATED 11/03/2026 ISSUED BY THE 5TH RESPONDENT, PRODUCED AS ANNEXURE-K, INSOFAR AS IT INSISTS UPON THE PETITIONER OBTAINING PRIOR FOREST CLEARANCE UNDER THE PROVISIONS OF THE FOREST (CONSERVATION) ACT, 1980, FOR THE CONTINUED USE OF THE EXISTING APPROACH ROAD PASSING THROUGH MARASETTIHALLI RESERVE FOREST FOR ACCESS TO MINING LEASE NO.2636 & 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 impugning an endorsement dated 11.03.2026 passed by respondent No.5 rejecting the petitioner's request to use the road passing through the reserved forest area in Survey No.34 of Yallapura Village and Survey Nos.29 and 30 of Kanchiganahalli Village of Nitturu Hobli, Gubbi Taluk, Tumakuru District for transportation of iron ore. The respondent authority noted that the said road passes through a reserve forest and that no right of way is provided in the notification. Thus, prior approval of the Central Government is required to use the said area for non-forest purposes under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 [**the Adhiniyam**]. Accordingly, the petitioner was advised to submit a proposal through the Parivesh Portal for obtaining the required approval.

2. The petitioner states that it had submitted such a proposal. However, the approval has not been granted as yet. There is no dispute that permission of the Central Government would be required to use any forest area for non-forest purposes under the provisions of the Adhiniyam.

3. The learned counsel appearing for the petitioner referred to an order dated 18.04.2022 passed by a Co-ordinate Bench of this Court in Writ Petition No.6901/2022 (GM-MM-S), which rejected the contention that the provisions of Section 2 of the Adhiniyam (then known as the Forest (Conservation) Act, 1980) did not apply to the use of a road passing through a forest for non-forest purposes. The court held that, in the absence of prior permission from the Central Government, the use of the land for a road covered for non-forest purpose is not permissible.

4. The learned counsel appearing for the petitioner furnished a communication from the Additional Chief Secretary, Department of Forests, Ecology and Environment, Government of Karnataka, addressed to the Principal Chief Conservator of Forests, directing that action be taken on the request of an applicant. In that case,

permission was granted for the temporary use of the road passing through the forest area, subject to certain conditions. The learned counsel submits that the petitioner's application can also be considered on a parity with the applicant in that case.

5. We note that the letter relied upon by the learned counsel is a direction to the Principal Chief Conservator of Forests to issue a temporary permission. There is no material indicating that the permission had been granted. However, it is material to note that the conditions stipulated in the letter expressly record that the permission would be temporary and that action would be required to be taken by the user agency to obtain a formal permission under the Forest (Conservation) Act 1980. It is also noted that the direction to grant permission pertains to a road that was in operation prior to the year 1980.

6. We do not consider it appropriate to issue any directions, on the principle of parity, for grant of temporary permission as granted in the said case [Devadari Iron Ore Mine, Mine Lease No.0006 (Old Mine Lease No.2290) in Swami Malai (SM) Bank, Sandur South Range, Sandur Taluk, Ballari District]. However, we consider it

appropriate to direct the State Government to consider whether the petitioner's request could be entertained on the principle of parity with other cases.

7. Since the petitioner has already requested for approval under Section 2 of the Forest (Conservation) Act, 1980, the concerned authority is directed to consider it and forward it to the Central Government with its opinion, as expeditiously as possible.

8. The petition is disposed of with the aforesaid observations.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

AHB
List No.: 1 Sl No.: 14