



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 24<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE B M SHYAM PRASAD**

**WRIT PETITION NO. 5388 OF 2026 (GM-FOR)**

**BETWEEN:**

1. SMT. K M SUMANGALI,  
AGED ABOUT 60 YEARS,  
D/O LATE K. M. MONNAPPA,  
RESIDING AT KARNANGERI VILLAGE,  
MADIKERI TALUK,  
KODAGU DISTRICT 571201.
2. SMT. K. M. KUSUMA,  
AGED ABOUT 63 YEARS,  
D/O LATE K. M. MONNAPPA,  
RESIDING AT KARNANGERI VILLAGE,  
MADIKERI TALUK,  
KODAGU DISTRICT 571201.

...PETITIONERS

(BY SRI. VINOD KUMAR M.,ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS  
PRINCIPAL SECRETARY,  
DEPARTMENT OF FOREST,





ENVIRONMENT AND ECOLOGY,  
M.S. BUILDING,  
DR. AMBEDKAR VEEDHI,  
BENGALURU 560001.

2. THE DEPUTY CONSERVATOR OF  
FORESTS (DCF),  
OFFICE AT ARANYA BHAVAN,  
1<sup>ST</sup> FLOOR, MYSORE ROAD,  
MADIKERI,  
KODAGU DISTRICT - 571201.
3. THE DIVISIONAL FOREST OFFICER (DFO),  
OFFICE AT ARANYA BHAVAN,  
1<sup>ST</sup> FLOOR, MYSORE ROAD,  
MADIKERI,  
KODAGU DISTRICT - 571201.
4. THE RANGE FOREST OFFICER (RFO),  
SAMPAJE RANGE FOREST OFFICE,  
KOYNAD POST,  
SAMPAJE GRAMA, MADIKERI,  
KODAGU DISTRICT - 571201.

...RESPONDENTS

(BY SMT.SARITHA KULKARNI, AGA)

THIS WP IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA  
PRAYING TO A. ISSUE A WRIT OF MANDAMUS OR  
ANY OTHER APPROPRIATE WRIT OR DIRECTION



RESTRAINING THE RESPONDENTS, THEIR AGENTS OR SUBORDINATES, FROM INTERFERING WITH THE PEACEFUL POSSESSION, ENJOYMENT, AND CULTIVATION OF THE PETITIONERS OVER LAND BEARING SY. NO. 289/49, MEASURING 25 CENTS, SITUATED AT KARNANGERI VILLAGE, MADIKERI HOBLI, MADIKERI TALUK, KODAGU DISTRICT; B. DECLARE THE ACTIONS AND INTERFERENCE OF THE RESPONDENT-FOREST DEPARTMENT AS ILLEGAL, ARBITRARY, AND VIOLATIVE OF ARTICLES 14, 19, 21, AND 300A OF THE CONSTITUTION OF INDIA; C. DIRECT THE RESPONDENTS TO RESPECT THE REVENUE BOUNDARIES AND RECORDS PERTAINING TO THE PETITIONERS' GRANTED LAND.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD



**ORAL ORDER**

The petitioners are aggrieved by the forest officials removing the fencing put up recently for the land in certain survey numbers. The petitioners assert that they are fencing the land measuring 25 cents in Survey No. 289/49 of Karnangeri Village, Madikeri Hobli, Madikeri Taluk, Kodagu District, and Sri Vinod Kumar M, the learned counsel for the petitioners, submits that the forest officials have illegally trespassed into the petitioners' land, removed the fencing and caused Show Cause Notice [SCN] dated 05.02.2025 which is impermissible in law.

Smt. Saritha Kulkarni, a learned Additional Government Advocate who is permitted to take notice for the respondents, submits that the petitioners have tried to put up a fence without any survey, to encroach upon the *forest land* and therefore action has been taken and that the petitioners'



response/documents would be considered and appropriate decision taken.

This Court, in the circumstances of the case, is of the view that the petitioners cannot change the boundaries during the consideration of the reply filed in response to the SCN dated 05.02.2025 and the authorities must decide on the response at the earliest. Hence, the following:

**ORDER**

The petition stands disposed of calling upon the fourth respondent to consider the petitioners' response and communicate the decision within three [3] months and the petitioners until then shall not attempt reconstruction of the fence.

**Sd/-**  
**(B M SHYAM PRASAD)**  
**JUDGE**

AN/-