



**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. 5918 OF 2026 (GM-FOR)**

**BETWEEN:**

1. SMT UMADEVI SHASHIKANTH  
D/O LATE VAJRAPPA,  
W/O SHASHIKANTH J,  
AGED ABOUT 44 YEARS,  
RESIDING AT FLAT NO. A003,  
G.R. HEIGHTS, 80 FEET ROAD,  
OPPOSITE TO ROYAL COUNTY  
J.P. NAGAR 8<sup>TH</sup> PHASE,  
BENGALURU SOUTH,  
BENGALURU - 560083.
2. MANGALA V,  
D/O LATE. VAJRAPPA,  
AGED ABOUT 41 YEARS,  
RESIDING AT MARUTHI NILAYA,  
NO.223/2, CHIKKANNA LAYOUT,  
SAMETHANAHALLI,  
BENGALURU RURAL,  
BENGALURU - 560067.
3. TULSI V.  
D/O LATE. VAJRAPPA,  
AGED ABOUT 39 YEARS,  
RESIDING AT NO.386,





WATER TANK ROAD,  
KANAKAPURA MAIN ROAD,  
ANANDA PARK,  
THALAGHATTAPURA  
BENGALURU - 560109.

...PETITIONERS

(BY SRI. VINAY S., ADVOCATE)

**AND:**

1. THE GOVERNMENT OF KARNATAKA  
REPRESENTED BY ITS  
PRINCIPAL SECRETARY TO  
FOREST DEPARTMENT,  
VIKASA SOUDHA,  
BENGALURU - 560001.
2. THE DEPUTY CONSERVATOR  
OF FORESTS,  
BENGALURU CITY SUB-DIVISION,  
ARANYA BHAVANA ANNEXE,  
18<sup>TH</sup> CROSS, MALLESHWARAM,  
BENGALURU 560003.
3. THE RANGE FOREST OFFICER,  
KAGGALIPURA RANGE, KAGGALIPURA,  
BENGALURU SOUTH TALUK,  
BENGALURU 571417.
4. THE INVESTIGATION OFFICER,  
AND RANGE FOREST OFFICER,  
KAGGALIPURA RANGE, KAGGALIPURA,  
BENGALURU SOUTH TALUK,  
BENGALURU 571417.
5. THE PRINCIPAL SECRETARY  
TO GOVERNMENT,



DEPARTMENT OF REVENUE  
SECRETARIAT OF GOVERNMENT  
OF KARNATAKA,  
MULTI- STORIED BUILDING,  
BENGALURU - 560001.

6. SRI. MUNIHANUMAIAH,  
S/O LATE HUCHAIAH,  
AGED ABOUT 70 YEARS,
7. SMT. MUNILAKSHMAMMA  
W/O MUNIHANUMAIAH,  
AGED ABOUT 60 YEARS,
8. SRI. PRAKASH  
S/O MUNIHANUMAIAH,  
AGED ABOUT 46 YEARS,
9. SMT. VAJRAMMA,  
D/O MUNIHANUMAIAH,  
AGED ABOUT 43 YEARS,

RESPONDENT NO.6 TO 9 ARE  
RESIDING AT TALAGHATTAPURA  
VILLAGE, UTTARAHALLI HOBLI,  
BENGALURU SOUTH TALUK,  
BENGALURU - 560109.

...RESPONDENTS

(BY SMT.SARITHA KULKARNI., AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227  
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH  
THE ORDER DATED 14/12/2023 PASSED BY THE R2  
DEPUTY CONSERVATOR OF FORESTS, BENGALURU



CITY DIVISION, BENGALURU IN  
NOA7/HOMAKA/OTTUVARI/03/23-24 DATED  
14/12/2023 UNDER SECTION 64 A OF THE KARNATAKA  
FOREST ACT, 1963 WHICH IS MARKED AS ANNEX-A  
PERTAINING TO LAND BEARING SURVEY NO. 12,  
MEASURING 2 ACRES SITUATED AT UTTARAHALLI  
MANAVARTHE KAVAI, KAGGALIPURA RANGE,  
UTTARAHALLI-2 HOBLI, BENGALURU SOUTH TALUK,  
BENGALURU URBAN DISTRICT.

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 the daughters of Sri  
Vajrappa son of Huchaiah who has the benefit of  
revenue entries in MR H13/2017-2018 for an extent  
of two acres in Survey No.12 of Uttarahalli  
Manvarthekaval Village, Uttarahalli, Bengaluru South  
Taluk [*the Subject Property*]. The petitioners are



aggrieved by the second respondent's order dated 14.12.2023 under Section 64A of the Karnataka Forest Act, 1963 [for short, '*the Act*']. The second respondent has opined that the extent of two acres claimed by the petitioners is 'a *deemed forest*' and therefore *the occupants* who claim under them must be evicted.

2. Sri Vinay S, the learned counsel for the petitioners, submits as follows.

**[a]** The second respondent ought to have issued notice to the petitioners who claim under Sri Vajrappa and not to *the occupants* [*though they claim under the petitioners*].

**[b]** The second respondent's finding that the documents relied upon by *the occupants* do not relate to the subject property was without due opportunity to the petitioners, and if such a finding



had to be entered, the petitioners had to be issued with notice but they have not been issued with notice.

**[c]** There is violation of principles of natural justice and that the petitioners were not aware of the second respondent's order until the forest officials obstructed the drilling of a tube well in the subject property.

3. Smt Saritha Kulkarni, a learned Additional Government Advocate who is called upon to accept notice for the respondents, submits that the petitioners have an alternative remedy under Section 64A[3] of the Act read with Rule 164-A of the Karnataka Forest Rules, 1969 [for short, *'the Rules'*]. The learned Additional Government Advocate canvasses that whether the documents relied upon by the petitioners/the occupants relate to the land that is now claimed by them will have to be examined



as a factual question and that could be examined by the appellate authority if the petitioners avail their appellate remedy.

4. The question presented for consideration is *whether this Court must interfere on the ground of lack of due opportunity without relegating the petitioners to the alternative remedy under Section 64A[3] of the Act read with Rule 164-A of the Rules*. It cannot be disputed that the petitioners do not dispute that *the occupants* claim under them and they have contested the matter relying upon the documents that the petitioners would rely upon to substantiate the case that this land cannot be called a '*deemed forest*'.

5. This Court is not inclined to interfere on the ground of lack of opportunity because the petitioners admit that *the occupants* claim under them and they do not place on record any circumstance that would justify a ready inference



that they did not know about the proceedings until recently. Further, this Court is of the view that all the grounds urged by the petitioners must be examined by the appellate authority, which can go into factual circumstances, before this Court's jurisdiction under Article 226 of the Constitution of India is invoked.

6. However, this Court is of the view that the petitioners must also be at liberty to seek exclusion of the time spent in prosecuting the present petition and to contend that the limitation must be reckoned from the date of knowledge of the second respondent's order and that the petitioners must have a reasonable opportunity to avail their alternative remedy. This reasonable opportunity would be available to them if the respondents are called upon not to be precipitative while calling upon the petitioners not to undertake any development in the Subject Property subject to interim orders/final



orders in the appeal that they could file. Hence the following:

**ORDER**

**[a]** The petition stands disposed of with liberty to the petitioners to avail their alternative remedy under Section 64A[3] of the Act read with Rule 164-A of the Rules.

**[b]** The petitioners are reserved with liberty to seek exclusion of the time spent in prosecuting this petition and to contend that the limitation must be reckoned from the day that they came to know about the proceedings.

**[c]** The respondents are directed not to be precipitative for a period of twelve [12] weeks stipulating that the petitioners shall not undertake any developments in



the Subject Property without the express  
leave of the appellate authority if they  
avail such remedy.

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

AN/-