



NC: 2026:KHC:17945
WP No. 27938 of 2023
C/W WP No. 28076 of 2023
WP No. 28315 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 27938 OF 2023 (GM-FOR)

C/W

WRIT PETITION NO. 28076 OF 2023 (GM-FOR)

WRIT PETITION NO. 28315 OF 2023 (GM-FOR)

IN WP No. 27938/2023

BETWEEN:

1. SRI HANUMANTHARAJU
S/O LATE SRI THIMMAIAH,
AGED ABOUT 42 YEARS,
RAMALINGAPURA SIRA TALUK,
TUMKUR - 572 115.
2. SRI JAYANNA
S/O SRI KARIYAPPA,
AGED ABOUT 42 YEARS,
RAMALINGAPURA SIRA TALUK,
TUMKUR - 572 115.
3. SRI RANGANATHAPPA
S/O SRI AYYANA,
AGED ABOUT 67 YEARS,
RAMALINGAPURA, SIRA TALUK,
TUMKUR - 572 115.
4. SRI R N MUDDAPPA
S/O SRI NAGAPPA,
AGED ABOUT 82 YEARS,
RAMALINGAPURA POST,
BUKKAPATTANA HOBALI,

Digitally signed
by SUMA B N
Location:
HIGH COURT
OF
KARNATAKA



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SIRA TALUK, TUMKUR - 572 115.

5. SRI SHIDLU NAYAKA
S/O EEEARAMUD NAYAKA,
AGED ABOUT 66 YEARS,
RAMALINGAPURA POST,
BUKKAPATTANA HOBALI,
SIRA TALUK, TUMKUR - 572 115.
6. SRI HANUMANTHAIHAH
S/O NARASIMHAIHAH,
AGED ABOUT 53 YEARS,
RAMALINGAPURA POST,
BUKKAPATTANA HOBALI,
SIRA TALUK, TUMKUR - 572 115.
7. SRI RANGANATHA
S/O SRI KARIYAPPA,
AGED ABOUT 70 YEARS,
RAMALINGAPURA POST,
BUKKAPATTANA HOBALI,
SIRA TALUK, TUMKUR - 572 115.
8. SRI CHANNAPPA
S/O LATE SRI MOTANARASAPPA,
AGED ABOUT 57 YEARS,
MADAKANAHALLI POST
BADAKANAHALLI
SIRA TALUK, TUMKUR - 572 115.
9. SRI JAFAR SAAB
S/O RASHEED SAAB,
AGED ABOUT 55 YEARS,
BEGUM MOHALLA, SIRA TOWN,
SIRA TALUK, TUMKUR - 572 137.
10. SRI AMEER SAAB
S/O GHAFAR SAAB,
AGED ABOUT 63 YEARS,
NO.1987/1,
CHAMUNDESHWARI EXTENSION,



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HIPPELHOPU,
SRV GARDEN HOUSE,
TIPLUR TUMKUR - 572 201.

11. SRI MADAR SAAB
S/O LATE SRI IMAMA SAAB,
AGED ABOUT 80 YEARS,
RAMALINGPURA POST,
BUKKAPATTANA HOBALI,
SIRA TALUK, TUMKUR - 572 115.
12. SRI BASHA SAAB
S/O SRI IMAM SAAB,
AGED ABOUT 68 YEARS,
BEGUM MOHALLA,
SIRA TOWN, SIRA TALUK,
TUMKUR - 572 137.
13. SMT. DURGAMMA
W/O SRI BHUTAIHAH,
AGED ABOUT 77 YEARS,
RAMALINGPURA POST,
BUKKAPATTANA HOBALI,
SIRA TALUK, TUMKUR - 572 115.
14. SRI SIKANDAR
S/O SRI MOHIDEEN SAAB,
AGED ABOUT 47 YEARS,
RAMALINGPURA POST,
BUKKAPATTANA HOBALI,
SIRA TALUK, TUMKUR - 572 115.
15. SRI R D DEVAKUMAR
S/O SRI DYAMAIAH,
AGED ABOUT 61 YEARS,
RAMALINGPURA POST,
BUKKAPATTANA HOBALI,
SIRA TALUK, TUMKUR - 572 115.
16. SRI. KASEEM SAAB
S/O SRI HAMEER SAB,



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AGED ABOUT 56 YEARS,
RAMALINGAPURA POST,
BUKKAPATTANA HOBALI,
SIRA TALUK, TUMKUR - 572 115.

17. SRI SHYAMACHARI
S/O SRI NANJACHARI,
AGED ABOUT 54 YEARS,
RAMALINGAPURA POST
BUKKAPATTANA HOBALI,
SIRA TALUK, TUMKUR - 572 115.

18. SRI MOHUD SAAB
S/O SRI PHARUK SAAB,
AGED ABOUT 70 YEARS,
RAMALINGAPURA POST
BUKKAPATTANA HOBALI,
SIRA TALUK, TUMKUR - 572 115.

19. SMT SHIVAMMA
W/O LATE SRI GANGARAJU,
AGED ABOUT 47 YEARS,
RAMALINGAPURA POST,
BUKKAPATTANA HOBALI,
SIRA TALUK, TUMKUR - 572 115.

20. SMT NAGARATHNAMMA
W.O SRI LINGAIAH,
AGED ABOUT 42 YEARS,
RAMALINGAPURA POST
BUKKAPATTANA HOBALI,
SIRA TALUK, TUMKUR 572115

...PETITIONERS

(BY PROF. RAVIVARMA KUMAR, SENIOR COUNSEL FOR
SRI. ASHWINI O.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY ITS PRINCIPAL SECRETARY,



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DEPARTMENT OF FOREST,
ECOLOGY AND ENVIRONMENT,
MS BUILDING, AMBEDKAR VEEDHI,
BENGALURU - 560 001.

2. THE FOREST SETTLEMENT OFFICER
HASSAN AND TUMAKURU DIVISION,
HASSAN CIRCLE, RAMAKRISHNAGAR,
KUNIGAL ROAD, TUMAKURU - 572 105.
3. THE DEPUTY CONSERVATOR OF FORESTS
TUMAKURU DIVISION,
HASSAN AND TUMAKURU CIRCLE,
RAMAKRISHNAGARA,
KUNIGAL ROAD, TUMAKURU - 572 105.

...RESPONDENTS

(BY SRI. J. THARANATH POOJARY AAG A/W
SMT. SUKANYA BALIGA, AGA FOR RESPONDENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION DECLARING THAT THE NOTIFICATION BEARING NO. A AND F 5514 FT 98 47 2 DATED 03.06.1948 ISSUED BY THE GOVT OF HIS HIGHNESS THE MAHARAJA OF MYSORE (AT ANNEX-A) IS INOPERATIVE NULL AND VOID; QUASHING THE NOTIFICATION DATED 12.10.2023 BEARING NO. AVYA/TUMA/ARANYA/ADHISUCHANE/CR/2023-24 ISSUED BY THE R-2 (AT ANNEX-B) AS BEING ARBITRARY UNSUSTAINABLE ILLEGAL VOID AND IN GROSS VIOLATION OF THE FUNDAMENTAL RIGHTS OF THE PETITIONER UNDER ARTICLE 14 AND 21

IN WP NO. 28076/2023

BETWEEN:

1. SRI. MAHESH
S/O BAIRANNA,
AGED ABOUT 45 YEARS,



2. SRI LAKSHMAIAH @ LAKSHMAIAH SHETTY
S/O THIMMA SHETTY,
AGED ABOUT 80 YEARS,
3. SMT UMAKKA
W/O BOMMANNA
AGED ABOUT 42 YEARS,
4. SRI. R. KENCHANNA
S/O LATE RAJANNA
AGED ABOUT 53 YEARS,
5. SRI R MOHAN KUMAR
S/O LATE RAJANNA
AGED ABOUT 48 YEARS,
6. SMT LEELAMMA @ NEELAMMA
W/O MALLESHAPPA
AGED ABOUT 57 YEARS,
7. SRI THIMMARAJU @ THIMMARAJAIAH
S/O RANGAPPA
AGED ABOUT 47 YEARS,
8. SRI HARISH
S/O RAMAKRISHNAIAH,
AGED ABOUT 46 YEARS,
9. SMT PADAMMA
W/O DINESH
AGED ABOUT 48 YEARS,

PETITIONER NOS. 1 TO 9 ARE
R/O MADENAHALLI VILLAGE,
RAMALINGAPURA POST,
BUKKAPATTANA HOBLI,
SIRA TALUK,
TUMAKURU DISTRICT-572 115.

10. SMT GANGAMMA
W/O PANDURANGAPPA,



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AGED ABOUT 59 YEARS,
R/O BUKKAPATTANA,
SIRA TALUK,
TUMAKURU DISTRICT-572 115.

11. SMT GOWRAMMA
W/O BASAVARAJU @ BASANNA,
AGED ABOUT 47 YEARS,
12. SRI VIRUPAKSHAIAH
S/O ERANNA
AGED ABOUT 53 YEARS,
13. SMT PREMAKKA
W/O MELAPPA
AGED ABOUT 57 YEARS,
14. SRI THIMMANNA
S/O THIMMANNA
AGED ABOUT 78 YEARS,
15. SMT SOWBHAGYA
W/O M K JAYARAM
AGED ABOUT 62 YEARS,
16. SRI JAYARAM
S/O SANNAJUNJAIAH @ JUNJANNA
AGED ABOUT 44 YEARS,
17. SRI UGRAPPA
S/O SANNAJUNJAPPA @ SANNAJUNJAIAH
AGED ABOUT 69 YEARS,
18. SRI M K SHIVARAJU
S/O KRISHNAPPA
AGED ABOUT 50 YEARS,
19. SMT LAKSHMAMMA
W/O UGRAPPA
AGED ABOUT 61 YEARS,



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PETITIONER NOS. 11 TO 19 ARE
R/O MADENAHALLI VILLAGE,
RAMALINGAPURA POST,
BUKKAPATTANA HOBLI,
SIRA TALUK,
TUMAKURU DISTRICT-572 115.

20. SMT RANGAMMA
W/O LATE PAPANNA,
AGED ABOUT 60 YEARS,

21. SMT RANGAMMA
W/O RANGADASAPPA,
AGED ABOUT 70 YEARS,

PETITIONER NOS. 20 & 21 ARE
R/O SHIVARAMAPURA VILLAGE,
GUBBI TALUK,
TUMAKURU DISTRICT - 572 115.

22. SRI CHIKKANNA
S/O KARIYANNA,
AGED ABOUT 59 YEARS,
R/AT WARD NO 23,
MARUTHI NAGARA,
CHIKKANAYAKANAHALLI,
TUMAKURU - 572 103.

23. SRI ANANDA KUMAR
S/O MALLAIAH,
AGED ABOUT 53 YEARS,
R/O SHIVARAMPURA VILLAGE,
GUBBI TALUK,
TUMAKURU DISTRICT - 572 115.

24. SRI KRISHNAPPA
S/O KARIYAPPA,
AGED ABOUT 50 YEARS,

25. SRI GOVINDRAJU
S/O DODDAIAH,



AGED ABOUT 64 YEARS,

26. SRI THIMMAKKA
D/O GOVINDAPPA,
W/O MUDDALINGAIAH
AGED ABOUT 69 YEARS,
27. SRI NAGARAJU
S/O SANNARANGAPPA
@ SANNARANGA SHETTY,
AGED ABOUT 58 YEARS,
28. SRI VADDIGAIAH
S/O TANGAIAH @ TANGANNA,
AGED ABOUT 65 YEARS,
29. SRI GAJJANNA
S/O NARASAPPA,
AGED ABOUT 64 YEARS,
30. SRI M V KRISHNAPPA
S/O LATE VENKATAPPA,
AGED ABOUT 56 YEARS,
31. SRI SHANTAVEERAPPA V
S/O VEERANNA,
AGED ABOUT 53 YEARS,
32. SMT RATHNAMMA
W/O LATE MOHAN VITTALAPPA,
AGED ABOUT 76 YEARS,
33. SRI MUTTAIAH
S/O VENKATAPPA,
AGED ABOUT 50 YEARS,
34. SRI DAYANAND
S/O MUTTAIAH,
AGED ABOUT 26 YEARS,
35. SMT PUTTATAYAMMA



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W/O MALLAIAH
AGED ABOUT 57 YEARS,

36. SMT BHAVYA M
W/O SURESH K G,
AGED ABOUT 30 YEARS,

37. SRI THEJAS A
S/O ASHWATH RAMEGOWDA,
AGED ABOUT 39 YEARS,

PETITIONER NOS.24 TO 37 ARE
R/O MUDDAPPANAHALLI VILLAGE,
RAMALINGAPURA POST,
BUKKAPATTANA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT - 572 115.

...PETITIONERS

(BY PROF. RAVIVARMA KUMAR., SENIOR COUNSEL FOR
SRI. BELLE R.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF FOREST,
ECOLOGY AND ENVIRONMENT
M.S. BUILDING,
AMBEDKAR VEEDHI,
BENGALURU-560 001.
REPRESENTED BY ITS
PRINCIPAL SECRETARY.
2. THE FOREST SETTLEMENT OFFICER
HASSAN AND TUMAKURU DIVISION,
HASSAN CIRCLE,
RAMAKRISHNANAGARA,
KUNIGAL ROAD, TUMAKURU - 572 105.
3. THE DEPUTY CONSERVATOR OF FOREST
TUMAKURU DIVISION,
HASSAN AND TUMAKURU CIRCLE,



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RAMAKRISHNANAGARA,
KUNIGAL ROAD,
TUMAKURU - 572 105.

...RESPONDENTS

(BY SRI. J. THARANATH POOJARY, AAG A/W
SMT. SUKANYA BALIGA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARATION THAT THE NOTIFICATION BEARING NO. A AND F 5514 FT 98 47-2 DATED 03.06.1948 ISSUED BY THEN GOVT OF HIS HIGHNESS THE MAHARAJA OF MYSORE AT ANNEX-A IS AS IN OPERATIONAL AND NULL AND VOID DUE TO DELAY AND LATCHES QUASHING THE PROCLAMATION DATED 12.10.2023 BEARING NO. A VAYA/TUMA/ARANYA ADHISUCHANE/CR-12/2023-24 ISSUED BY THE R-2 AT ANNEX-B.

IN WP NO. 28315/2023

BETWEEN:

1. SMT. NAGARATHNAMMA
W/O GOVINDARAJU
AGED ABOUT 57 YEARS
2. SRI MELA GIRIYAPPA
S/O RANGAPPA
AGED ABOUT 55 YEARS
3. SRI BAJJANNA @ BAJJAIAH
S/O LINGANNA
AGED ABOUT 82 YEARS
4. SRI YALLANNA
S/O KARIYAPPA
AGED ABOUT 52 YEARS

PETITIONER NOS. 1 TO 4 ARE



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R/O MADENAHALLI VILLAGE
RAMALINGAPURA POST
BUKKAPATTANA HOBLI
SIRA TALUK
TUMAKURU DISTRICT-572115.

5. SRI MUCHCHIRUGAPPA
S/O MARISINGAPPA
AGED ABOUT 69 YEARS
6. SRI RANGAIAH
S/O BADAGI RAMAIAH
AGED ABOUT 62 YEARS
7. SRI NARASIMHA MURTHY
S/O BADAGI RAMAIAH
AGED ABOUT 72 YEARS
8. SMT YALLAMMA
C/O LATE DURGANNA
AGED ABOUT 72 YEARS
9. SRI OBALAIAH
C/O PUTTALAKSHMAMMA
AGED ABOUT 62 YEARS
10. SRI JAYARAMU
S/O KAREYALLAPPA
AGED ABOUT 52 YEARS
11. SRI KAMBAIAH
S/O MARI SINGAPPA
AGED ABOUT 82 YEARS
12. SMT SIDDAGANGAMMA



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W/O SHIVA LINGAIAH
AGED ABOUT 54 YEARS

13. SRI LAKSHMAIAH
S/O ERANNA
AGED ABOUT 84 YEARS

14. SMT RANGAMMA
W/O LATE BOMMA NAIK
AGED ABOUT 75 YEARS

PETITIONER NOS. 5 TO 14 ARE
R/O RAMALINGAPURA VILLAGE
RAMALINGAPURA POST
BUKKAPATTANA HOBLI
SIRA TALUK
TUMAKURU DISTRICT-572 115.

15. SRI M. MADDAPPA
S/O MAHALINGAPPA
AGED ABOUT 84 YEARS
R/O MADENAHALLI VILLAGE
RAMALINGAPURA POST
BUKKAPATTANA HOBLI
SIRA TALUK, TUMAKURU DISTRICT-572 115.

16. SRI PYARIJAN
S/O ISMAIL SAB
AGED ABOUT 65 YEARS

17. SRI PYARIJAN
S/O BHASHA SAB
AGED ABOUT 57 YEARS

18. SRI ABID JAAN SAB



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S/O BHASHA SAB
AGED ABOUT 47 YEARS

19. SMT RENUKAMAM
W/O THIMMARAJU
AGED ABOUT 55 YEARS

20. SRI SHIVANNA
S/O GANGADIAH
AGED ABOUT 60 YEARS

21. SRI RAJANNA
S/O LAKSHMANA NAYAKA
AGED ABOUT 62 YEARS

22. SRI HALAMMA
W/O DODDA RANGAPPA
AGED ABOUT 71 YEARS

23. SMT KARI BASAMMA
W/O CHANDAPPA
AGED ABOUT 50 YEARS

24. SMT KAVERAMAM
W/O RAMAKRISHNAPPA
AGED ABOUT 65 YEARS

PETITIONER NOS. 15 TO 24 ARE
R/O RAMALINGAPURA VILLAGE
RAMALINGAPURA POST
BUKKAPATTANA HOBLI
SIRA TALUK
TUAMAKURU DISTRICT - 572 115.

25. SMT GANGAMAM



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W/O RAJANNA
AGED ABOUT 81 YERS

26. SMT DEVIRAMMA
W/O VENKATAPPA ALIAS VENTKATAGIRIYAPPA
AGED ABOUT 57 YEARS

27. SRI RAMAYYA
S/O KODAPPA
AGED ABOUT 62 YEARS

PETITIONERS NOS. 25 TO 27 ARE
R/A MADENAHALLY VILLAGE
RAMALINGAPURA POST
BUKKAPATTANA HOBLI
SIRA TAUKE, TUMAUKRU DSITIRCT - 572 115.

28. SRI RAJANNA
S/O LAKSHAMNA LAISLAKKANAYAKA
AGED ABOUT 83 YEARS
RAMALINGAPURA POST
BUKKAPATTANA HOBLI
SIRA TAUKE
TUMAUKRU DSITIRCT - 572 115.

29. SMT KARIYAMMA
W/O PUTTAIAH
AGED ABOUT 82 YEARS

30. SRI SANNASIDDAPPA ALIS SANANSIDDIAHA
S/O JOGAIAH
AGED ABOUT 75 YEARS

31. GURURAJ
S/O DODA SIDDAPPA ALIS DODDASIDDIAH



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AGED ABOUT 46 YEARS

32. SRI KARIYAPPA
S/O LATE DODDIAH
AGED ABOUT 82 YEARS
33. SRI M SURYAS PRAKASH
B/O MAJHALINGAIAPPA
AGED ABOUT 36 YEARS
34. SRI RANGARAJU N
S/O LATE NARASIMHAIAH
AGED 70 YEARS

PETITIONER NOS. 28 TO 34 ARE
R/A MADENAHALLY VILLAGE
RAMALINGAPURA POST
BUKKAPATTANA HOBLI
SIRA TAUKE
TUMUKRU DISTRICT - 572 115.

35. DR BASAVARAJU
S/O LATE NARASIMHAIAH
AGED ABOUT 59 YEARS
R/AT DHARMAMEGHA
SATHYANGARA
NEAR VARADARAJA COLLEGE
JAYANGARA SOUTH
TUMUKRU - 572 103.
36. SRI RAVI
S/O LATE LAKSHMANA
AGED ABOUT 24 YEARS
37. SRI. RAGHAVENDRA M.E.,



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S/O ERANNA
AGED ABOUT 37 YEARS

38. SMT. JAYALAKSHMAMMA
W/O LATE M. RAJAKUMAR
AGED ABOUT 50 YEARS

37. SMT SAROJAMAM
W/O RANGARAJU N
AGED ABOUT 61 YEARS

38. SRI RENUKAPRAAD G
S/OM D GIRIYAPPA
AGED ABOUT 23 YEARS

PETITIONER NOS. 35 TO 40 ARE
R/A MADENAHALLY VILLAGE
RAMALINGAPURA POST
BUKKAPATTANA HOBLI
SIRA TAUKE
TUMAKURU DISTRICT - 572 115.

...PETITIONERS

(BY PROF. RAVIVARMA KUMAR., SENIOR COUNSEL FOR
SRI. H V MANJUNATHA.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF FOREST,
ECOLOGY AND ENVIRONMENT
M S BUILDING
AMBEDKAR VEEDHI
BENGALURU-560 001
REPRESENTED BY ITS PRINCIPAL SECRETARY.



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2. THE FOREST SETTLEMENT OFFICER
HASSAN AND TUMAKURU DIVISION
HASSAN CIRCLE
RAMAKRISHNANAGAR
KUNIGAL ROAD
TUMAKURU-572 105.
3. THE DEPUTY CONSERVATOR OF FOREST
TUMAKURU DIVISION
HASSAN AND TUMAKURU CIRCLE
RAMAKRISHNANAGAR
KUNIGAL ROAD
TUMAKURU-572 105.

...RESPONDENTS

(BY SRI. J. THARANATH POOJARY, AAG A/W
SMT. SUKANYA BALIGA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF MANDAMUS IN THE NATURE OF DECLARATION DECLARING THAT THE NOTIFICATION BEARING NO. A AND F 5514 FT 98.47-2 DATED 3.6.1948 ISSUED BY THEN GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE AT ANNEXURE-A IS AS INOPERATIONAL AND NULL AND VOID DUE TO DELAY AND LATCHES; QUASHING THE PROCLAMATION DATED 12.10.23 BEARING NO. AVAYA/TUMA/ARANYA ADISUCHANE/CR-12/2023-24 ISSUED BY THE R2 AT ANNEXURE-B.

THESE PETITIONS, COMING ON FOR FURTHER HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

Writ Petition in W.P.No.27938/2023 is by one Sri. Hanumantaraju and 20 others claiming to be the owners in possession of various parcels of land forming part of Sy.No.82 of Karemadanahalli Village and they having been granted in terms of grant certificates, are before this Court seeking following common reliefs;

"i) Issue a writ order or direction declaring that the Notification bearing No. A and F 5514 ft 98-47- 2 Dated 03.06.1948 issued by the government of his highness the maharaja of Mysore (at Annexure-A) is inoperative null and void;

ii) Issue a writ, order or direction in the nature of certiorari quashing the Notification dated 12.10.2023 bearing No. AVYA/ TUMA/ ARANYA/ ADHISUCHANE/ CR/2023-24 issued by the Respondent No.2 (at Annexure-B) as being arbitrary unsustainable illegal void and in gross violation of the fundamental rights of the petitioner under article 14 and 21".

2. Writ petition in WP No.28076/2023 is filed by one Sri.Mahesh and 37 others claiming to be the owners in possession of certain parcels of land of various Survey Nos. 13, 14, 15, 16, 17, 18 of Muddappanahalli village of Bukapatna Hobli, Sira Thaluk, Tumkur District, seeking following common reliefs;



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"a) To Issue writ of Mandamus in the nature of declaration declaring that the Notification bearing No. A and F 5514 FT 98 47-2 dated 03.06.1948 issued by then Government of his Highness the Maharaja of Mysore at Annexure-A is as inoperational and null and void due to delay and latches.

b) To issue Writ in the nature of Certiorari quashing the proclamation dated 12.10.2023 bearing No. A VAYA/TUMA/ARANYA ADHISUCHANE/CR-12/2023-24 issued by the respondent No.2 at Annexure-B"

3. Writ petition in W.P No.28315/2023 is by one Smt. Nagarathnamma and 40 others claiming to be the owners of different parcels of land in Sy.Nos. 46, 47, 48, 49, 50, 51 and 52 of Madanehalli Village are before this Court seeking following common reliefs;

"a) To issue writ of Mandamus in the nature of declaration declaring that the notification bearing No. A and F 5514 ft 98.47-2 dated 3.6.1948 issued by then Government of his highness the Maharaja of Mysore at annexure-A is as inoperational and null and void due to delay and latches.

b) To issue Writ in the nature of Certiorari Quashing the proclamation dated 12.10.23 bearing No. AVAYA/TUMA/ARANYA ADISUCHANE/CR-12/2023-24 issued by the respondent No.2 at Annexure-B".

4. Learned Senior counsel appearing for the counsel for the petitioners had raised following grounds;



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4.1 That the notification at Annexure-A dated 03.06.1948 published on 24.06.1948 in the Mysore Gazette was issued under Section 4 of the Mysore Forest Act, XI of 1900 (for short Act, 1900) by the then Government of His Highness Maharaja of Mysore in terms of which it was proposed to constitute the area boundaries which is described in the schedule to the said notification as a "Forest Area" under the provisions of the said Act. That by the said notification Sub-Division Officer, Madhugiri Sub-Division was appointed as a Forest Settlement Officer for the purpose of conducting enquiry into and determine the existence, nature and extent of any rights claimed by or alleged to exist in favour of any person etc., in the area comprised of the said proposed Forest Area.

4.2. That after lapse of over 7 decades, the respondent/State has sought to issue a notification dated 12.10.2023 under Section 5 of the Karnataka Forest Act, 1963 (for short Act, 1963) as per Annexure-B, calling upon the petitioners and various other persons who are in occupation of lands forming part of the said area to participate in the enquiry and to



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establish their rights for the purpose of publishing the final notification under Section 17 of the Forest Act, 1963.

4.3. That Annexure-B suffers from inherent procedural defects in which the Officer who purported to have issued the said notification is not the one who had been appointed in the Notification dated 03.06.1948 at Annexure-A. That the respondent/authority could not take benefit of the notification issued under Section 4 of the Mysore Forest Act, 1900, inasmuch as the said Act having been repealed, unless different intention appeared, there was no saving of the effect of the earlier notification in terms of Section 6 of the Karnataka General Clause Act. Elaborating on the said submission, learned Senior Counsel referred to the term "proposed", found at Section 4 of the Act, 1900 with the term "decided" found at Section 4 of the Act, 1963.

4.4. That the said two terminologies operate in completely different domain whereas under the Act, 1900 it was required to be a mere "proposal" whereas in the Act, 1963, it required a "conscious decision" of land having been declared/decided to be a Forest Land. That unless the said condition was satisfied, the



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respondent No.2 could not have issued notification at Annexure-B, as it runs contrary to the intention which appeared from the language used under Section 4 of the Act, 1900.

4.5. That since right to property which was earlier a fundamental right has now become a constitutional right, petitioners cannot be deprived of the same unless the same is in accordance with procedure established by law. That though the present notification at Annexure 'B' has been issued after lapse of 77 years from the date of issuance of Annexure-A, there has been no whisper in the subsequent notification, as such the same suffers from delay and laches.

4.6. The notification at Annexure-B is signed by one Aranya Vyvastapanadhikari, who is not a person authorized under Annexure-A notification. It is only a Sub-Division Officer of Madhugiri Sub-Division who is authorized to issue notification.

4.7. Referring to document at Annexure-R7 filed along with the statement of objections filed by the respondent/State submits that even the Forest Settlement Officer who is a signatory to Annexure-B was not appointed in the manner



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known to law as on the date of issuance of Annexure-B. That even before his appointment he has issued Annexure-B which is thus contrary to provisions of law.

4.8. He relies upon the judgment of the Apex Court in the case of **KIRAN SINGH AND OTHERS VS. CHAMAN PASWAN AND OTHERS** reported in **1954 (1) SCC 710** referring to para 6 of the said judgment he submits that an action taken without authority or law is a nullity and the question of nullity can be raised at any stage.

4.9. He also refers to the judgment of the Apex Court in the case of **GODREJ AND BOYCE MANUFACTURING COMPANY LIMITED AND ANOTHER VS. STATE OF MAHARASTHRA AND ANOTHER** reported in **(2014) 3 SCC 430**. Referring to para 16, he submitted delay in taking action nullifies the whole process.

Hence, seeks for allowing of the writ petitions.

5. In response, learned Additional Advocate General submits that;



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5.1 the then Highness of Maharaja of Mysore was competent to issue notifications during the period between 15.08.1947 and promulgation of Constitution.

5.2. He refers to Section 117 of the Act, 1963 to read the effect of the Repeal and Saving Provisions provided thereunder, and submits that by express terms the Mysore Forest Act, (though referred to as the Karnataka Forest Act) has been repealed with the express provision that any action taken under the previous Act would remain unaffected.

5.3. that Annexure-B has been issued in furtherance to Section 5 of the Act, 1963, which in turn contemplates issuance of such notification after issuance of notification under Section 4 of the Act, 1963. Since the language and intent emanating under the Mysore Forest Act, 1900 and the Karnataka Forest Act, 1963, are similar and synonymous, the intention cannot be held to be contrary to one contemplated under the Act, 1900. That mere usage of the word "Proposed", and "Decided" would not make much of a difference, as both the legislation intend to achieve the same purpose.



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5.4. He refers to the judgment of the Apex Court in the case of **SAMAJ PARIVARTANA, SAMUDAYA AND OTHERS VS. STATE OF KARNATAKA AND OTHERS**, WP (Civil) No. 562/2009 to submit that the present notification at Annexure-B was warranted in the light of enquiry being conducted in the said writ petition pending consideration before the Apex Court regarding the action being taken by the concerned department to secure the Forest Area in the State.

5.5. He refers to the judgment of the Apex Court in the case of **GAMMON INDIA LTD., VS. SPECIAL CHIEF SECRETARY AND OTHERS** reported in **(2006) 3 SCC 354**. Referring to paragraphs 71, 72 and 73, he submits that there cannot be any conflict of intent in the provisions of Mysore Forest Act, 1900 and Karnataka Forest Act, 1963. That the proviso to Section 4 of the Mysore Forest Act, 1900 (Repealed Act) is corresponding to the proviso of Section 4 of the Karnataka Forest Act, 1963 which is valid and subsisting. That once the area is identified as a Forest Area and notification in this regard has been issued, no rights of any nature whatsoever by any department of the Government could be created. That the petitioners claim to



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have been granted lands, subsequent to issuance of notification under Section 4 cannot claim any right unless their case is determined as contemplated under Sections 5 and 17 of the Act.

5.6. As regards to question of delay, he refers to the judgment of the Division Bench of this Court in the case of **B. R. GANAPATHI SINGH VS. STATE OF KARNATAKA, REP. BY ITS PRINCIPAL SECRETARY** reported in **2020 SCC Online Kar 3074** and another judgment of the Division Bench of this Court in the case of **H.K.SUBRAMANYA AND OTHERS VS. M. SHEKAR SHETTY AND OTHERS** reported in **2014 SCC Online Kar 13498** as well the judgment of the Apex Court in the case of **NARINDER SINGH AND OTHERS VS. DIVESH BHUTANI AND OTHERS** reported in **(2023) 17 SCC 779** to submit that the question of delay would not arise. Once a notification under Section 4 had been issued declaring area as a Forest land, it remains a Forest land forever unless de-notified in the manner known to law as provided under Section 28 of the Act. Therefore, the contention of there being a delay of 77 years is inapplicable to the facts of this case.



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5.7. He also refers to Section 2 of the Forest (Conservation) Act, 1980 to submit that unless a permission for diversion of the Forest for non-forest use is obtained from the Central Government, no rights can be created. Thus he submits that the petitioners who claim to have acquired the right on and after the year 1950 upto year 1990 cannot claim to have any prerogative right.

5.8. that there is no requirement to have recourse to Section 4 of the New Act, inasmuch as under Section 117 of repealed and savings envisages the action having already been taken under the Old Act shall deemed to have been taken in the corresponding provisions of Repealed Act.

5.9. He also refers to the judgment of the Apex Court in the case of **STATE OF KARNATAKA AND OTHERS VS. I.S. NIRVANE GOWDA AND OTHERS** reported in **(2007) 15 SCC 744** to contend that once the area is reserved as a forest, revenue authorities were not competent to deal with the property.



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5.10. that the petitioners are at liberty to explain their right, title and interest if any by submitting their response in document and the same will be considered in accordance with law.

6. Heard. Perused the records.

7. Point that arise for consideration is:

"Whether the petitioners have made out the case for quashment of notification dated 12.10.2023 issued by respondent No.2 as per Annexure-B in the writ petitions?

8. Admittedly, by notification dated 03.06.1948 produced at Annexure- A the then Government of His Highness Maharaja of Mysore had proposed to constitute an area described in the schedule thereunder as Forest area, in which lands being claimed by the petitioners herein situated in Karemadenahalli, Mudapanahalli and Madenahalli formed part of. By subsequent notification dated 12.10.2023 as per Annexure-B petitioners have been called upon to participate in the enquiry contemplated under the Karnataka Forest Act, 1963.



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9. Learned Senior Counsel for the petitioners vehemently contended that Mysore Forest Act, 1900 has been repealed by Karnataka Forest Act, 1963 and that object and purpose of Section 4 of the Act, 1900 runs contrary to Section 4 of Act, 1963, and there has been no saving of the effect of earlier notification. As such, the subsequent notification at Annexure-B cannot be traced back to the events that had taken place under the earlier notification at Annexure-A.

10. The Apex Court in the case of **Gammon India Ltd.** (supra) dealing with Section 6 of the General Clause Act , 1897 and its effect, at paragraphs 46, 71, 72 and 73 has held as under;

"46. The principle which has been laid down in this case is that whenever there is a repeal of an enactment, the consequences laid down in Section 6 of the General Clauses Act will follow unless, as the section itself says, a different intention appears. In the case of a simple repeal there is scarcely any room for expression of a contrary opinion. But when the repeal is followed by fresh legislation on the same subject we would undoubtedly have to look to the provisions of the new Act, but only for the purposes of determining whether they indicate a different intention. The line of enquiry would be, not whether the new Act expressly keeps alive old rights and liabilities but whether it manifests an intention to destroy them. We cannot therefore, subscribe to the broad proposition that Section 6 of the General Clauses Act is ruled out when there is repeal of an enactment followed by a fresh legislation. Section 6 would be applicable in such cases also unless the new legislation manifests an intention incompatible with or contrary to the provisions of the section.



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71. Since the effect of a repeal is to obliterate the statute and to destroy its effective operation in future, or to suspend the operation of the common law, when it is a common law principle which is abrogated, any proceedings which have not culminated in a final judgment prior to the repeal are abated at the consummation of the repeal. When, however, the repeal does not contemplate either a substantive common law or statutory right, but merely the procedure prescribed to secure the enforcement of the right, the right itself is not annulled but remains in existence enforced by applying the new procedure.

72. In the instant cases, there is a simultaneous repeal and the re-enactment and the A.P. VAT Act clearly saves the earlier provisions in toto. Consequently, rights and liabilities accrued or incurred under the A.P. GST Act shall continue even after it is repealed.

73. On critical analysis and scrutiny of all relevant cases and opinions of learned authors, the conclusion becomes inescapable that whenever there is a repeal of an enactment and simultaneous re-enactment, the re-enactment is to be considered as reaffirmation of the old law and provisions of the repealed Act which are thus re-enacted continue in force uninterruptedly unless the re-enacted enactment manifests an intention incompatible with or contrary to the provisions of the repealed Act. Such incompatibility will have to be ascertained from a consideration of the relevant provisions of the re-enacted enactment and the mere absence of the saving clause is, by itself, not material for consideration of all the relevant provisions of the new enactment. In other words, a clear legislative intention of the re-enacted enactment has to be inferred and gathered whether it intended to preserve all the rights and liabilities of a repealed statute intact or modify or to obliterate them altogether.

11. Viewed in the light of the above settled principles of law, there appears to be no incompatibility or inconsistency between Section 4 of Mysore Forest Act, 1900 and Section 4 of Karnataka Forest Act, 1963. It is appropriate to note provision



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of Mysore Forest Act, 1900 as well as Section 4 of Mysore Forest Act 1900 as well as section 4 of the Karnataka Forest Act, 1963, which reads as under;

12. Section 4 of Mysore Forest Act, 1900, reads as under;

"4. Whenever it is proposed to constitute any land a State Forest, the (State Government) shall publish a notification in the official Gazette-

(a) specifying as nearly as possible the situation and limits of such land;

(b) declaring that it is proposed to constitute such land as State Forest; and

(c) appointing an officer (hereinafter called "the Forest Settlement Officer") to inquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favour of, any person in or over any land comprised within such limits, or to any forest produce of such land, and to deal with the same as provided in this chapter.

The officer appointed under clause (c) of this section shall ordinarily be a person other than a Forest Officer; but a Forest Officer may be appointed by the (State Government) to assist the Forest Settlement Officer in the enquiry prescribed by this chapter."

13. Section 4 of Karnataka Forest Act, 1900 reads as under;

4. Notification by Government.—(1) Whenever it has been decided to constitute any land a reserved forest the State Government shall issue a notification,-

(a) declaring that it has been decided to constitute such land a reserved forest;

(b) specifying, as nearly as possible, the situation and limits of such land; and

(c) appointing an officer (hereinafter called the "Forest Settlement Officer") to inquire into and determine the



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existence, nature and extent of any rights claimed by or alleged to exist in favour of any person in or over any land comprised within such limits or in or over any forest produce, and to deal with the same as provided in this Chapter.

Explanation.—For the purpose of clause (b) it shall be sufficient to describe the limits of the forest by roads, rivers, bridges, or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of sub-section (1) shall, be a person not holding any forest office except that of Forest Settlement Officer; but a Forest Officer may be appointed by the State Government to represent it in the inquiry under this Chapter by the Forest Settlement Officer.

14. Though the distinction is sought to be made by learned Senior counsel for the petitioners referring to the term "Proposed" employed under Section 4 of the Act, 1900 and the term "Decided" under the Act, 1963, the intention of both the legislation appears to be the same which is declaring any land 'a reserved forest' in the State.

15. As rightly pointed out by learned Additional Advocate General, Section 117 of the Karnataka Forest Act provides for savings of anything done or any action taken, or deemed to have been taken under the corresponding provisions of the Act.



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16. Section 117 of the Karnataka Forest Act, 1963 reads as under;

*"117. **Repeal and savings.**—The Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the [Belgaum Area], the Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the Coorg District, the Hyderabad Forest Act, 1355 Fasli (Hyderabad Act II of 1355 Fasli), as in force in the [Gulbarga Area] , the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the [Mangalore and Kollegal Area] , the Mysore Forest Act, 1900 (Mysore Act X of 1900), as in force in the Mysore Area, and the [Karnataka] Preservation of Private Forests Act, 1962 ([Karnataka] Act No. 19 of 1962), are hereby repealed:*

Provided that the repeal shall not affect,—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy, may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, or scheme framed, certificate obtained, permit or licence granted or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act".



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17. Section 4 of the Mysore Forest Act, 1900 is corresponding to Section 4 of the Act, 1963. The proviso to Section 117 of Act, 1963 read in the light of the principles of law enunciated in ***Gammon India Ltd*** (supra), the only conclusion that can be arrived at is that the action taken under the Repealed Act has to be construed as action taken under the corresponding provision to Repealing Act. The contention therefore urged on behalf of the petitioners, though at the first blush appears to be plausible a further probe into it in the light of settled principles of law noted above, makes it unacceptable. As such, the same cannot be countenanced.

18. The second ground of challenge to the process initiated is in-competency of the authority who issued notification at Annexure-B. It is contended that the notification- Annexure-A refers to the appointment of Sub-Division Officer of Madhugiri Sub-Division, as a Forest Settlement Officer for the purpose of conducting inquiry into and determine the existence, nature and extent of any rights claimed by or alleged to exist in the area comprised under the said proposed Forest Area in favour of any person etc., whereas the present notification at



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Annexure-B refers to "Aranya Vyavasthapanadhikari" and that the said two posts/designation are different. This submission also cannot be accepted as there has been change in nomenclature of the posts/Officers. However, Section 4(1)(c) of the Act, 1963 envisages appointment of an officer to be called "Forest Settlement Officer", who may have to be appointed by the State Government to represent it in the enquiry under this Chapter.

19. Respondent/State in the additional statement of objection produced Annexure-R7 which is a communication dated 27.6.2022 issued by the Office of Principal Chief Conservator of Forest to the Unit Heads of Chikkamagalur and Mysore area. Perusal of the said document would indicate that out of three applications that were received pursuant to the notification issued for appointment of the Forest Settlement Officer, application of two candidates were finalized, of which, one S.P. Kulkarni was selected to the post of Forest Settlement Officer to the Districts of Hassan and Chikkamangaluru. The said communication has further directed the Unit Heads to continue the process of interview and issuing of the appointment order.



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20. Though, learned Senior counsel appearing for the petitioners reading the said document has contended that the said document cannot be considered to be an order of appointment, in response, additional documents were submitted by learned AAG in the nature of communication dated 19.9.2022 by which the said S.P.Kulkarni has reported, he taking charge as the Forest Settlement Officer.

21. Another document, a Service Contract Agreement dated 21.09.2022 is also produced which indicate the said Sri.S.P.Kulakarni having been appointed to work as a Forest Settlement Officer for a term between 21.09.2022 and 12.11.2022. It is contended on behalf of the State that though the initial appointment was for a period for one year, the same has been periodically extended and as on the date when Annexure-B was issued, the said officer was discharging his duties as the Forest Settlement Officer and his term has been further extended as per Annexure-R1 dated 11.12.2023.

22. Another document at Annexure-R7, which is the Government Proceedings dated 19.12.2022 is produced



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indicating extension of the term of the said officer for a period of one year effective from 16.11.2022.

23. Holistically read, the aforesaid documents indicate that S.P.Kulakarni has been appointed as the Forest Officer vide Annexure-R7 and he has taken charge effective from 19.09.2022 and has been discharging as Forest Settlement Officer even during the period when Annexure-B was issued. Therefore, the grounds urged on behalf of the petitioners regarding the said officer lacking competency cannot be countenanced.

24. One another submission made by learned counsel for the petitioners is with regard to declaration of area. In that, it was pointed out that in Annexure R7, dated 27.06.2022, the said officer had been appointed only to the Districts Hassan and Chikkamagaluru, whereas the subject properties are located within Tumkur District. An answer in this regard is also provided by learned AGA referring to Annexure R7, wherein the revenue areas have been reworked, bringing Madhugiri, Tiptur, Tumkur, Hassan, Chikkamagaluru within the Hassan circle. As such, even the said ground also cannot be countenanced.



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25. As regards the consequences of issuance of notice is concerned, necessary to note that Section 5 of the Act contemplates the issuance of notification and publication of the same in Kannada and any other regional language of the area at the headquarters of each Taluk, in which any portion of the land comprised in such notification is situated. Though it was contended that the publication in Kannada and other regional language has to be made in the newspaper, no such requirement is contemplated under Section 5. It is submitted that the notification has been widely published at the headquarters which, in the considered view of this Court stands, complied with.

26. Thus there are no illegalities and irregularities either in issuing notification dated 03.06.1948 at Annexure-A, or in the notification dated 12.10.2023 at Annexure-B.

27. Necessary to note the notification at Annexure-B has merely called upon the persons like petitioners to appear and submit their version justifying their claim over the property. Provision of Act more particularly Section 7 contemplate an enquiry to be conducted by the Forest Settlement Officer. The



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rights of the parties will be determined in the manner prescribed in the Act. It is only then, the Final Notification under Section 17 would be issued. Since Annexure-B is now held to be valid and subsisting, it is open for the petitioners to appear and file their version along with the documents supporting and justifying their claim as called for by the respondent-State or in particular Forest Officer- Respondent No.2. Thereupon Forest Officer-respondent No.2such shall consider such objections, representation, documents as the case may be, strictly in accordance with law, and afford sufficient opportunity to the parties and pass appropriate orders.

28. No grounds are made out for quashing of notifications at Annexures- A and B.

29. Accordingly, following;

ORDER

- i. Petitions are ***disposed of.***
- ii. Petitioners are at liberty to submit/file their objections/versions along with documents supporting



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/justifying their claim within 60 days from the date of receipt of certified copy of this order.

- iii. The Forest Settlement Officer/respondent No.2 shall consider such objections/versions to be filed by the petitioners, strictly in accordance with law after affording sufficient opportunities to the petitioners and pass appropriate orders thereon within an outer limit of one year from the date of submission of objections /versions by the petitioners.
- iv. It is made clear no opinion is expressed with regard to validity or otherwise of the grant orders made by the statutory authorities in favour of petitioners in respect of portion of land claimed by them as the case may be.
- v. All contentions are kept open.

Sd/-
(M.G.S. KAMAL)
JUDGE