



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 35260 OF 2025 (GM-RES-PIL)

BETWEEN:

1. CHANDRASHEKAR R
S/O RENUKAPPA
AGED ABOUT 45 YEARS
RESIDING AT JIGALE MANE
SHIRAGUPPE, ULLURU
SAGAR, SHIVAMOGGA - 577 412
2. JAGANNATH
S/O KOLLURUGOWDA
AGED ABOUT 70 YEARS
RESIDING AT JIGALE MANE
SHIRAGUPPE, ULLURU
SAGAR, SHIVAMOGGA - 577 412
3. KRISHNAMURTHY
S/O NAGESH
AGED MAJOR
RESIDING AT JIGALE MANE
SHIRAGUPPE, ULLURU
SHIVAMOGGA, SAGAR
KARNATAKA - 577 412
4. TUKKARAM
S/O KOLLURUGOWDA
AGED ABOUT 67 YEARS





RESIDING AT JIGALE MANE
SHIRAGUPPE ULLURU
SHIVAMOGGA, SAGAR
KARNATAKA - 577 412

5. YESHODHARA
S/O KANNAGOWDA
AGED ABOUT 48 YEARS
RESIDING AT JIGALE MANE
SHIRAGUPPE, ULLURU
SHIVAMOGGA, SAGAR
KARNATAKA - 577 412

6. SHIVAPPA
S/O HUCCHAPPA
AGED ABOUT 46 YEARS
RESIDING AT JIGALE MANE
SHIRAGUPPE, ULLURU
SHIVAMOGGA, SAGAR
KARNATAKA - 577 412

...PETITIONERS

(BY SRI VINOD KUMAR M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY SECRETARY
FOREST DEPARTMENT
GOVERNMENT OF KARNATAKA
BENGALURU - 560 080
2. THE DEPUTY COMMISSIONER
OFFICE OF THE DEPUTY COMMISSIONER
SIR M.V. ROAD, SHIVAMOGGA - 577 201
3. THE TAHSILDAR
OFFICE OF THE TAHSILDAR



SAGARA TALUK, SAGARA
SHIMOGA DISTRICT - 577 401

4. THE P.D.O. VILLAGE PANCHAYAT
ULLURU VILLAGE PANCHAYAT
SAGARA TALUK
SHIVAMOGGA DISTRICT - 577 401

5. DUSHYANTH
S/O SATYANARAYANA
AGED 32 YEARS
SITTING ULLURU VILLAGE
PANCHAYAT MEMBER
RESIDENT OF SHIRAGUPPE VILLAGE
SAGARA TALUK
SHIVAMOGGA DISTRICT - 577 401

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-1 TO R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR PROTECTION AND PRESERVATION OF GOVERNMENT FOREST LAND, REMOVAL OF ILLEGAL ENCROACHMENT, AND RESTORATION OF ECOLOGICAL BALANCE PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION DIRECTING RESPONDENTS TO REMOVE THE ILLEGAL ENCROACHMENT AND CONSTRUCTION BY RESPONDENT No. 5 ON GOVERNMENT LAND IN SURVEY No. 58 SHIRAGUPPE VILLAGE, BY CONSIDERING THE REPRESENTATIONS DATED 11.09.2025 AND DATED 15.09.2025 PRODUCED AT ANNEXURE-G AND H & 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 MR. JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. Issue notice.
2. The learned Additional Government Advocate accepts notice for the respondents - State.
3. The petitioners have filed the present petition as a public interest litigation, *inter alia*, praying that directions be issued to the respondents to remove the illegal encroachment and construction that has been raised on Government land falling in Sy.No.58 of Shiraguppe Village, Sagara Taluk, Shivamogga District. The petitioners also pray that the land be restored to the original condition as grazing land and deemed forest.
4. The petitioners allege that land falling in Survey No.58 of Shiraguppe Village, Shivamogga District, Karnataka, is traditionally used as gomal land for grazing of cattle, and nine (09) acres of the said land was declared as deemed forest. The petitioners submit



that the portions of the deemed forest are now being levelled for construction of houses. They have also annexed the satellite images, which reflects certain construction on land marked as land falling in Survey No. 58.

5. Concededly, no forest land can be diverted for construction of residential houses.

6. In view of the above, we consider it apposite to direct the respondents to examine the allegations made in the present petition and if it is found that any part of the forest land is being diverted for use of residential purposes, the concerned authority shall take immediate steps as warranted in accordance with law.

7. The petition is disposed of in the aforesaid terms.

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

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

SD
List No.: 2 Sl No.: 12