

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 397-398 OF 2016
(Arising out of SLP(C) Nos. 19126-19127 of 2011)

SRI THYGARAJU .. APPELLANT(S)

VERSUS

THE STATE OF KARNATAKA AND .. RESPONDENT(S)
ORS.

With

CIVIL APPEAL NOS. 399-411 OF 2016
(Arising out of SLP(C) Nos. 15257-15269 of 2011)

O R D E R

1. Leave granted.
2. The acquisition of land of about 40 Acres out of an area measuring 221.18 Acres under the provisions of Karnataka Industrial Areas Development Act, 1966 is in challenge in these appeals.
3. Though the challenge was founded on

several grounds, the same is confined to one principal ground, namely that the land in question is covered by dense forest and it will not be ecologically permissible and feasible to acquire the land for the purpose of setting up of an industrial Estate.

4. In this regard, we have also been taken through the objections under Section 5-A of the Land Acquisition Act filed by one of the land owners pertaining to Survey No. 106.

5. Admittedly land measuring about 9-10 Acres out of 40 Acres is covered by about 2000 teak trees details of which are available in the affidavit of the Special Land Acquisition Officer, KIADB Zonal Office, Mysore, filed on 6th August, 2013.

6. Having gone through the objections filed in respect of land covered by Survey No. 106, we

find that the teak plantation has been raised by the land owners as a commercial proposition, to be exploited when the teak trees attain maturity. Undoubtedly exploitation of any forest area would be governed by the norms laid down under the relevant Statutes, including, the Forest Conservation Act. Statutory permissions/approvals are required to be taken before exploitation of any forest. If the acquisition is to be maintained and any land covered by forest area is to be exploited all requirements of law will have to be complied with by the beneficiary or the allottee. In a situation where the petitioners/land owners would admittedly exploit the forest/trees at a particular point of time (when the same attain maturity) we do not see how the acquisition can be faulted on ground that the land in question is a forest area.

7. We, therefore, do not consider the present

to be a fit case for our interference on the ground urged.

8. The appeals are dismissed accordingly.

.....J.
[RANJAN GOGOI]

.....J.
[PRAFULLA C. PANT]

NEW DELHI,
JANUARY 18, 2016.

ITEM NO.42

COURT NO.7

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal (C) Nos. 19126-19127/2011
(Arising out of final judgment and order dated 16.12.2010 passed by
the Division Bench of the High Court of Karnataka at Bangalore in
Writ Appeal No. 506 of 2009 and Writ Appeal No. 289 of 2009)

SRI THYGARAJU

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA AND ORS.
(With interim relief and office report)
(FOR FINAL DISPOSAL)

Respondent(s)

WITH

SLP(C) No. 15257-15269/2011
(With Interim Relief and Office Report)
(FOR FINAL DISPOSAL)

Date : 18/01/2016 These petitions were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Sampat Anandshetty, Adv.
Ms. Madhusmita Bora, Adv.

For Respondent(s) Ms. Kiran Suri, Sr. Adv.
Mr. S.J. Amith, Adv.
Mr. Gautam Kumar, Adv.
Dr. (Mrs.) Vipin Gupta, Adv.

Ms. Mahalakshmi Pavani, Sr. Adv.
Mr. G. Balaji, Adv.
Ms. Shiva Vijaya Kumar, Adv.

Ms. Anitha Shenoy, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are dismissed in terms of the signed
order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Asha Soni]
Court Master

[Signed order is placed on the file]