

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).21538/2008  
(From the judgement and order dated 17/04/2008 in WA No.3466/2005 of The  
HIGH COURT OF KARNATAKA AT BANGALORE)

WEST COAST PAPER MILLS LTD.

Petitioner(s)

VERSUS

DY.COMMR.,KARWAR & ORS.

Respondent(s)

(With appln. for permission to file additional documents and directions and  
impleadment and exemption from filing O.T. and exemption from filing O.T.  
of the additional documents and with prayer for interim relief)  
(For final disposal)

WITH CONMT.PET.(C) NO. 231 of 2010 in SLP(C)No.21538 of 2008

(With appln. for permission to file additional documents and exemption  
from filing O.T.)

Date: 10/10/2012 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM

HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s)

Mr. C.S. Vaidyanathan,Sr.Adv.

Mr. K.V. Vishwanathan,Sr.Adv.

Mr. Joseph Pookkatt,Adv.

Mr. Prashant Kumar,Adv.

Mr. Anurag Sharma,Adv.

M/S. Ap & J Chambers,Adv.

For Respondent(s)

Mr. V.N. Raghupathy,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard both sides.

Leave granted.

The civil appeal is disposed of.

In view of the disposal of the civil appeal, nothing  
survives for adjudication in I.A. for impleadment which is  
dismissed. However, the proposed parties are free to approach the  
High Court to vindicate their grievance.

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In view of the disposal of the civil appeal, no orders are  
required in contempt petition.

[Madhu Bala]

[Savita Sainani]

Sr.PA

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7453 OF 2012  
(@ SPECIAL LEAVE PETITION(C) No. 21538 of 2008)

WEST COAST PAPER MILLS LTD.

...APPELLANT(S)

VERSUS

DEPUTY COMMISSIONER, KARWAR & ORS.

...RESPONDENT(S)

WITH

CONTEMPT PETITION (C) NO. 231 OF 2010

O R D E R

Heard both sides.

Leave granted.

It is the claim of the appellant that it has made a request to the revenue authorities to correct the entries in the revenue records to show that the land in question belonged to the State Government and not to the Forest Department. Since there was no proper response even after legal notice, the appellant approached the High Court by way of Writ of Mandamus to make corrections in the revenue entries. Learned Single Judge of the High Court of Karnataka, Bangalore, by order dated 12th September, 2005 dismissed the writ petition with liberty to the appellant to approach the Civil Court for appropriate relief.

The said order was taken up before the Division Bench by way of Writ Appeal No. 3466 of 2005.

Mr. C.S. Vaidyanathan, learned senior counsel appearing on behalf of the appellant after taking us through the entire order of the Division Bench submitted that inasmuch as the Division Bench has concentrated on Rule 17 of Karnataka Government (Transaction of Business) Rules, 1977 and only in the penultimate paragraph viz., para 14 without adverting to the grievance of the appellant simply

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dismissed the appeal, the same cannot be sustained. Apart from the above infirmity Mr. Vaidyanathan has also brought to our notice various orders/communications from the Office of Principal Chief Conservator of Forests, Bangalore; Principal Secretary to Government Forest, Environment & Ecology Department and Deputy Conservator of Forests, Haliyal etc. addressed to various officers of the Forest Departments and the Deputy Commissioner, Karwar etc. These communications according to the learned senior counsel support the claim of the appellant. According to him these orders have not been considered by the Division Bench.

We have carefully perused the order of the learned Single Judge, reasoning of the Division Bench of the High Court and the communications relied on by the counsel for the appellant. We have also heard learned counsel for the respondent-State. We are satisfied that it is but proper for the Division Bench to go into the merits of the claim made by the appellant as well as the various communications/proceedings referred to above. It is made clear that we have not expressed anything on the merits or applicability of the same to the claim of the appellant.

We set aside the impugned order of the Division Bench and remit the matter to the High Court for fresh disposal. We request the Division Bench of High Court to restore the Writ Appeal No. 3466 of 2005 on its file and dispose of the same as observed above expeditiously.

The civil appeal is disposed of accordingly.

In view of the disposal of the civil appeal, nothing survives for adjudication in I.A. for impleadment which is dismissed. However, the proposed parties are free to approach the High Court to vindicate their grievance.

....3/-

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In view of the disposal of the civil appeal, no orders are required  
in contempt petition.

.....J.  
[P. SATHASIVAM]

NEW DELHI  
10TH OCTOBER, 2012

.....J.  
[RANJAN GOGOI]