

KARNATAKA LOKAYUKTA

No.Compt/Uplok/MYS-1551/2014/ARE-6 M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bangalore, Dt. 08/03/2018.

**REPORT UNDER SECTION 12(1) OF
KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Complaint filed by Sri. Varadaraj S.T S/o.
Thirumaleshwara, Sankesha House,
Gonadka Post, Sampaje Grama, Sullia
Taluk, Dakshina Kannada District.

On the basis of complaint filed by complainant Sri. Varadaraj S.T S/o. Thirumaleshwara, Sankesha House, Gonadka Post, Sampaje Grama, Sullia Taluk, Dakshina Kannada District against Sri. Changappa M.S. - the then Range Forest Officer, Sullia Range, Sullia, D.K and Sri. Seetharam.K - the then Forester, Aranthodu Section, Sullia range, Sullia Taluk alleging that Bhadriya Jumma Masjid, Goonadka - Sampaje people have encroached the reserve forest area in Sy.No.88 and also cut and removed teak wood trees which were standing in the forest land and also they have buried dead bodies in that land, but the respondents have not taken any action in that regard. On the other hand, they have been supporting the said masjid people to encroach and to occupy the forest land. Thereby, they have committed dereliction of their official duty. Accordingly, prayed to take action against the respondents.

2. After registering of the case, DFO, Mangalore was asked to submit the report. In response to the said notice, the DFO Mangalore initially submitted the interim report. Thereafter, he submitted final report dated 25/10/2017 . the said report reads as under:

“the judgement of Hon’ble Supreme court State of Karnataka V/s I.S.Nirvanegowda and others (2007) 15 Scc 744), the Hon’ble Supreme Court has held that the land records maintained by the revenue department in respect of RFs are of no consequence and all the land grants made by the revenue authorities in reserve forests are null and void. The revenue authorities have no power to grant lands in RFs. Such land grant is nothing but excercising non-existing power. As per the above said facts and circumstances and in view of the aforesaid judgement, reserving any land for other purpose in the reserve forest area by the Assistant Commissioner, becomes illegal.”

3. On perusal of the annexed letters they also reveal that without any authority, the revenue officers have entertained applications and also granted forest lands. In this case, there is a prima facie material that forest land has been encroached by the masjid committee. Therefore, it is illegal. Even if there is any grant, in view of the aforesaid judgement, the alleged grant becomes illegal and non-est.

4. It is relevant to note the aims and object of Karnataka Forest Act.


The Karnataka Forest Act 1963 has been enacted with an object to prevent private owners from recklessly exploiting the tree growth and forest produced with the sole idea of making immediate and huge profits, without regard to ensuring sustained yield for the benefit of the community in future. There is power to assume management of forest in certain circumstances.

Sec. 64-A deals with penalty for unauthorisedly taking possession of land constituted as reserved forest. Any person unauthorisedly occupying any land in reserved forest may, without prejudices to any other action that may be taken against him under any other provision of this act or any other law for the time being in force, be summarily evicted, by a forest officer not below the rank of an assistant conservator of Forest and any crop including trees raised in the land and any building or other constructions erected thereon shall, if not removed by him with in such time as the forest officer may fix, be liable to forfeiture.

Provided that before evicting a person under this sub section he shall be given a reasonable opportunity of being heard.

5. Here in this case, the report of DFO, Mangalore reveals that they will take action to evict the unauthorized occupants from the government land.
6. Accordingly, the recommendation is made u/s 12(1) of K.L. Act to the competent authority to take immediate steps to protect the forest land by evicting the unauthorized occupants from the land in question and also any other encroachment in the forest land within the jurisdiction of DFO, Mangalore.
7. Further, as per Section 12(2) of Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate the action taken or proposed to be taken on this report within one month from the date of receipt of this report.

Copies of connected records are enclosed.


(Justice N.ANANDA)
Upalokayukta,
State of Karnataka.