

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31<sup>ST</sup> DAY OF OCTOBER, 2025



PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C M JOSHI

WRIT APPEAL NO. 596 OF 2025 (GM-FOR)

**BETWEEN:**

1. THE STATE OF KARNATAKA  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S. BUILDING  
BENGALURU - 560 001  
REPT. BY THE ADDITIONAL  
CHIEF SECRETARY
2. THE CHIEF CONSERVATOR OF FORESTS  
KARNATAKA GOVERNMENT SECRETARIAT  
M.S. BUILDING  
BENGALURU - 560 001
3. THE DEPUTY CONSERVATOR OF FORESTS  
KUDREMUH WILDLIFE DIVISION  
KARKALA TALUK OFFICE JUNCTION  
KUKKUNDOOR POST  
UDUPI - 574 104
4. THE DEPUTY COMMISSIONER  
DISTRICT FIELD ROAD  
VIJAYANAGAR  
CHIKKAMAGALURU - 577 101
5. THE ADDITIONAL DEPUTY COMMISSIONER  
DISTRICT FIELD ROAD  
VIJAYANAGAR  
CHIKKAMAGALURU - 577 101



6. THE ASSISTANT COMMISSIONER  
REVENUE SUB DIVISION  
DISTRICT FIELD ROAD  
VIJAYA NAGAR  
CHIKKAMAGALURU - 577 101

7. THE TAHSILDAR  
BHARATHI STREET  
SRINGERI - 577 139

...APPELLANTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE)

**AND:**

1. SRI ANTONY PAULY MUKKANNIKKAL  
AGED ABOUT 35 YEARS  
S/O PAULY ANTONY  
R/O NO.18C, LINK HERITAGE  
KACHERIPADI, ERNAKULAM  
KERALA - 682 018

...RESPONDENT

(BY SRI NAVEEN R. NATH, SENIOR ADVOCATE A/W  
SRI ATUL M., ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 23.08.2024 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WRIT PETITION No.2812/2024 (GM-FOR) C/W WRIT PETITION No. 4639/2023 (GM-FOR) AND ETC.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE  
and  
HON'BLE MR. JUSTICE C M JOSHI

**CAV JUDGMENT**

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

1. For the reasons stated in the application – I.A.No.1/2025, the same is allowed and the delay of 194 days in filing the appeal is condoned.

**Introduction**

2. The appellants (State of Karnataka) have filed the present appeal impugning an order dated 23.08.2024 passed in Writ Petition No.2812/2024 connected with Writ Petition No.4639/2023 (GM-FOR).

3. The respondent had filed the Writ Petition No.4639/2023 impugning the proceedings of District Level Committee held on 21.07.2022 insofar as it related to agenda No.4 in respect of the writ petitioner.

4. The said meeting of the District Level Committee, which was attended by 14 officials under the Chairmanship of the Deputy Commissioner, Chikkamagalur District, Chikkamagalur was convened, *inter alia*, to re-examine the question of compensation to be paid to the respondent in respect of twenty Acres of land held by

the respondent in Muduba Village, Sringeri Taluk [**the subject land**]. The value of the subject land including standing trees, was assessed at Rs.3,65,76,173/-. It was noted that five acres of the subject land had been converted for non-agricultural purposes (for establishing a tourism centre) in the year 1993-94 in terms of the land conversion order dated 28.02.1994 passed by the Assistant Commissioner, Chikkamagalur. The *Tahsildar*, Sringeri was instructed to provide information as to whether the respondent had used the portion of the subject land measuring 5 (five) Acres for the said purpose. It was further decided that if the land was used for the purpose for which it was converted, the value of the said land could be fixed on that basis.

5. The respondent challenged the said decision on the ground that the State Government had already sanctioned Rs.3,65,76,173/- taking into account that five acres of the land had been converted for non-agricultural use; therefore, the District Collector, being an authority subordinate to the State Government, could not deny the compensation as fixed by examining whether the five acres of land was used for non-agricultural purpose.

6. Subsequently, a meeting of the District Committee was held on 03.12.2022 and the report of the *Tahsildar*, Sringeri to the effect

that the converted land (land measuring 5 Acres) had not been developed was considered. On the basis of the said report, the Committee decided that the amount of compensation in respect of five acres of the subject land would be determined in the light of available guidelines. However, the value of the remaining fifteen acres of the subject land along with *ex gratia*, solatium and interest, was determined at Rs.1,00,23,999/-. The writ petitioner (respondent herein) being aggrieved by the decision to re-evaluate the compensation of the subject land by the concerned Committee, had filed the second writ petition, being Writ Petition No.2812/2024.

7. It is the writ petitioner's case that the appellants were required to value the subject land by evaluating its potential – including the possibility of developing the land – and not on the basis whether the land was, in fact, used for the particular purpose. The petitioner contended that the land was converted for non-agricultural purposes and, therefore, the subject land's value is required to be determined on the said basis. It is also contended on behalf of the writ petitioner that the compensation is to be determined on the basis of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 [**'the 2013 Act'**] and not on the basis of the value as

determined under the Land Acquisition Act, 1894 [**'the 1894 Act'**] as the writ petitioner had decided to surrender the land after the 2013 Act came into force.

8. The appellant had framed a scheme for the Resettlement and Rehabilitation package [**the Resettlement Scheme**] for project displaced families of the Kudremukh National Park by a Government Order dated 18.04.2005. The Kudremukh National Park consisted of 90 hamlets belonging to 40 revenue villages, which had about 1300 families, which were living in the outer boundaries of the Kudremukh National Park. The Resettlement Scheme was for the benefit of the said persons. In terms of the said package, the evacuees would be eligible for compensation fixed as per the "*Land Acquisition Act for their own land, structure and malki existing on their land*". Notwithstanding that the package was framed on 18.04.2005 – which is prior to the enactment of the 2013 Act – the writ petitioner contends that he would be entitled for compensation under the 2013 Act, which had since come into force. According to the writ petitioner, the date on which he agreed to surrender its lands would be relevant for computing the compensation and determinative of whether the compensation was to be computed on the basis of the 1894 Act or the 2013 Act.

**Impugned order**

9. The learned Single Judge allowed the said writ petition. The learned Single Judge held that the entire twenty acres of land fell within the Kudremukh Forest area necessitating compulsory surrender of the subject land to the Forest Department for the Kudremukh National Park. Since the subject land was surrendered in the year 2016, the compensation for the entire extent of the subject land (20 Acres of land) was required to be determined under the 2013 Act. The Court found that the compensation as determined by the competent authority appeared to be arbitrary and discriminatory and, accordingly, held that the writ petitioner's request for reassessment of compensation is required to be granted. The proceedings of the Committee, which were impugned by the writ petitioner in the writ petitions (confined to the extent that it related to the writ petitioner) were quashed and the Deputy Commissioner (appellant No.4) was directed to re-determine the compensation payable to the writ petitioner under the 2013 Act taking into account that five acres of the land had been converted for non-agricultural purpose.

**Prefatory facts**

10. One Mr. M.A. Antony had purchased 73 Acres of land in Survey No.10/6 of Muduba Village on 09.08.1991. On 04.11.1997, one Mr. Pauly Antony purchased twenty acres of land in Survey No.10/6 [**the subject land**], which also included five acres of land that was converted for non-agricultural use. Survey No.10/6 was renumbered as Survey No.10/8, which comprised of five acres of land converted for non-agricultural use; Survey No.10/9 which comprised of land measuring 4.01 Acres; and Survey No.10/10 which comprised of land measuring 10.39 Acres. On 29.06.2016, Mr.Pauly Antony gifted the properties in Survey Nos.10/8, 10/9 and 10/10 of Muduba Village to his son, the writ petitioner.

11. On 22.11.2016, the writ petitioner opted to surrender the subject land to the Forest Department, to relocate to another place and requested the Deputy Conservator of Forest, Karkala to pay appropriate compensation for the subject land.

12. On 04.01.2019, a joint team of the officials of the Forest Department inspected the subject land and assessed the value of the property at Rs.3,65,76,173/-. The writ petitioner states that on 09.02.2022, the Government of Karnataka sanctioned the amount of compensation of Rs.3,65,76,173/-. Thereafter, on 17.02.2022,

the Chief Conservator of Forests directed the Deputy Conservator of Forests to sanction the amount of Rs.3,65,76,173/-.

13. On 02.05.2022, the Deputy Conservator of Forests requested the Chief Conservator of Forest to release the compensation package of Rs.10 crores in a single installment. It is contended that the said amount included the compensation of Rs.3,65,76,173/-assessed in respect of the subject land.

14. On 15.06.2022, the Chief Conservator of Forests requested the Government of Karnataka to release the compensation to the land losers under the Kudremukh Resettlement Scheme.

15. On 21.07.2022, the District Level Committee of which the Deputy Commissioner is the President, discussed the issue of compensation payable to the land losers under the settlement scheme and decided that the amount would be released to the writ petitioner only if the converted land (5 Acres of the land) had been used for the purpose for which it was converted. As noted above, the said decision was impugned by the writ petitioner in Writ Petition No.4639/2023.

16. Thereafter, on 10.08.2022, the *Tahsildar*, Sringeri inspected the subject property. He noted that there were certain ruins and

remains but reported that the five acres of the converted land was not used for the purpose for which it was converted. On 03.12.2022, the District Level Committee resolved to sanction an amount of Rs.1,00,23,999/- for a portion of the subject land measuring fifteen acres and decided to determine the consideration for the balance land on the basis of various circulars and guidelines considering that the said land had not been used for non-agricultural purpose.

### **Submissions**

17. It is the appellants' case that the compensation under the Resettlement Scheme is to be determined in terms of the said scheme. Since the scheme refers to the Land Acquisition Act, the same would be the 1894 Act, which was in force at the material time. He submitted that the writ petitioner cannot claim higher compensation for the reasons that he had elected to surrender his land after the 2013 Act had come into force. It is also the appellants' case that it cannot be compelled to acquire land and pay compensation for the same.

18. Mr. Nath, learned Senior Counsel who appeared for the writ petitioner countered the aforesaid case. He referred to the provisions of the Wildlife (Protection) Act, 1972 [**"the WLP Act"**]

and submitted that in terms of Section 35 of the WLP Act, the State Government is empowered to declare any area as a National Park. He submitted that in terms of Sub-section (3) of Section 35, the provisions of Sections 19 to 26A of the WLP Act would apply for investigation and determination of claims and extinguishment of rights in relation to any lands in such area as they apply to the said matters in relation to any land in a sanctuary. He submitted that in terms of the said provisions, the compensation for surrender of rights is required to be determined as provided under the 2013 Act.

19. Next, he submitted that Resettlement Scheme is a perpetual scheme and it was open for the land owners to claim benefits of that scheme at any point of time. He contended that the compensation as payable would necessarily have to be determined under the relevant statute for acquisition of lands. Since in the present case, the writ petitioner had elected to surrender the land after the 2013 Act came into force, the compensation is required to be determined accordingly.

### **Reasons and Conclusions**

20. At the outset, it is relevant to note that the proposal for transfer of the land emanated from a letter dated 22.11.2016 sent by the petitioner reads as under:

"To

Deputy Conservator Of Forests  
Kudremukh Wildlife Division  
Karkala Udupi Dist.

Subject: Voluntary rehabilitation from Kudremukh  
National Park

Respected sir,

I am having a land parcel of 20 acres bearing survey number 10/9, 10/10, 10/8 at Muduba village inside the Kudremukh National Park. I wish to relocate out side the national park as I am unable to conduct any plantation and business activity on my land due to intervention of wild animals and forest act. I request You to consider appropriate compensation and communicate to me accordingly.

Thanking You

Date: 22.11.2016

Yours Faithfully

Place: KARKALA

Sd/-"

21. It is evident from the aforesaid letter that it was the writ petitioner's request to take over the land and to consider payment of apposite compensation and there was no proceedings for compulsory acquisition of the subject land.

22. The learned Single Judge has proceeded on the basis that the subject land falls within the Kudremukh National Park, which necessitated the writ petitioner to compulsorily surrender the land to the Forest Department for the Kudremukh National Park. It is also apparent that the learned Single Judge has proceeded on the

assumption that the subject land was required to be acquired by the forest officials; therefore, the compensation is required to be determined in terms of 2013 Act. Mr. Nath, learned Senior Counsel appearing for the writ petitioner had also advanced contentions on the aforesaid basis. As noted hereinbefore, he had referred to Section 35 of the WLP Act and contended that the subject land was acquired under Sections 19 to 26-A of the WLP Act, which necessarily entails that compensation be determined and paid under the 2013 Act.

23. It is thus relevant to refer to relevant provisions of the WLP Act. In terms of Section 19 of the WLP Act, when a notification is issued by the State Government declaring its intention to constitute an area as a sanctuary, the Collector is required to inquire and determine as to the existence, nature and extent of the rights of any person in and over the land comprised within the limits of the sanctuary. Within a period of sixty days of the notification being issued under Section 18 of the WLP Act, the Collector is required to issue a proclamation, *inter alia*, requiring any person, claiming any right mentioned in Section 19 of the WLP Act to prefer a written claim in the prescribed form, specifying the nature and extent of such right with necessary details and the amount and particulars of

the compensation, if any, claimed in respect of such rights. In terms of Section 24 of the WLP Act, the Collector is required to pass an order admitting or rejecting any claim to a right in or over any land referred to in Section 19 of the WLP Act. Sub-section (2) of Section of 24 of the WLP Act prescribes for the steps to be taken if any claim is admitted. The Collector may either exclude the land from the limits of the proposed sanctuary or proceed to acquire such land. Section 25 of the WLP Act contains provisions for acquiring the land or rights in respect of the land.

24. It is relevant to set out Section 25 of the WLP Act, which reads as under:

**"25. Acquisition proceedings.—**(1) For the purpose of acquiring such land, or rights in or over such land,—

(a) the Collector shall be deemed to be a Collector, proceeding under the Land Acquisition Act, 1894;

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(c) the provisions of the sections, preceding Section 9 of that Act, shall be deemed to have been complied with;

(d) where the claimant does not accept the award made in his favour in the matter of compensation, he shall be deemed, within the meaning of Section 18 of the Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief against the award under the provisions of Part III of that Act;

(e) the Collector, with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or money or partly in land and partly in money; and

(f) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for an alternative public way or common pasture, as far as may be practicable or convenient.

(2) The acquisition under this Act of any land or interest therein shall be deemed to be acquisition for a public purpose.”

25. It is important to note that under Section 24(2) of the WLP Act, the Collector can either exclude the land from the limits of the proposed sanctuary or proceed to acquire the said lands or rights.

26. Section 35 of the WLP Act contains provisions for constituting National Parks. Section 35 of the WLP Act is reproduced below:

**35. Declaration of National Parks.**—(1) Whenever it appears to the State Government that an area, whether within a sanctuary or not, is, by reason of its ecological, faunal, floral, geomorphological or zoological association or importance, needed to be constituted as a National Park for the purpose of protecting, propagating or developing wild life therein or its environment, it may, by notification, declare its intention to constitute such area as a National Park.

Provided that where any part of the territorial waters is proposed to be included in such National Park, the provisions of section 26-A shall, as far as may be, apply in relation to the declaration of a

National Park as they apply in relation to the declaration of a sanctuary.

(2) The notification referred to in sub-section (1) shall define the limits of the area which is intended to be declared as a National Park.

(3) Where any area is intended to be declared as a National Park, the provisions of Sections 19 to 26-A (both inclusive except cause (c) of sub-section (2) of section 24) shall, as far as may be, apply to the investigation and determination of claims, and extinguishment of rights, in relation to any land in such area as they apply to the said matters in relation to any land in a sanctuary.

(4) When the following events have occurred, namely,—

(a) the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a National Park, have been disposed of by the State Government, and

(b) all rights in respect of lands proposed to be included in the National Park have become vested in the State Government, the State Government shall publish a notification specifying the limits of the area which shall be comprised within the National Park and declare that the said area shall be a National Park on and from such date as may be specified in the notification.

(5) No alteration of the boundaries of a National Park by the State Government shall be made except on a recommendation of the National Board.

(6) No person shall destroy, exploit or remove any wild life including forest produce from a National Park or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the National Park, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the National Board that such removal of wild life from the National Park or

the change in the flow of water into or outside the National Park is necessary for the improvement and better management of wild life therein, authorises the issue of such permit:

Provided that where the forest produce is removed from a National Park, the same may be used for meeting the personal *bona fide* needs of the people living in and around the National Park and shall not be used for any commercial purpose.

(7) No grazing of any live-stock shall be permitted in a National Park and no live-stock shall be allowed to enter therein except where such live-stock is used as a vehicle by a person authorised to enter such National Park.

(8) The provisions of Sections 27 and 28, Sections 30 to 32 (both inclusive), and clauses (a), (b) and (c) of Section 33, Section 33-A and Section 34 shall, as far as may apply in relation to a National Park as they apply in relation to a sanctuary.

**Explanation.**—For the purposes of this section, in case of an area, whether within a sanctuary or not, where the rights have been extinguished and the land has become vested in the State Government under any Act or otherwise, such area may be notified by it, by a notification, as a National Park and the proceedings under Sections 19 to 26 (both inclusive) and the provisions of sub-sections (3) and (4) of this section shall not apply."

27. It is clear from the plain language of Sub-section (4) of Section 35 of the WLP Act that the State Government is required to publish a notification specifying the limits of the area which, shall be comprised in a National Park after the period for preferring claims has elapsed and all claims made in relation to land in an area intended to be declared as a National Park stand disposed of.

28. In terms of Sub-section (3) of Section 35, the provisions of Sections 19 to 26-A of the WLP Act are applicable for investigation and determination of claims, and extinguishment of rights, in relation to any land in such area as it may apply to a sanctuary. Thus, in terms of Sub-section (2) of Section 24 of the WLP Act, the Collector may either exclude the lands from the limits of proposed sanctuary or proceed to acquire the same. The said provisions are equally applicable to the limits of the area comprised in a National Park.

29. The Government of Karnataka had issued a notification under Section 35(1) of the WLP Act declaring its intention to constitute the area described in the schedule to the notification dated 02.09.1987 as the Kudremukh National Park. The said notification was published in the Karnataka Gazette on 24.09.1987. The State Government had, thereafter, issued a notification dated 16.06.2001 under Sub-section (4) of Section 35 of the WLP Act declaring that the areas as mentioned in the schedule, set out in the said notification, shall be comprised within the National Park called the Kudremukh National Park, with effect from the date of publication. The notification expressly excluded certain areas set out in a tabular statement set out in the said notification. In terms

of the said notification, the revenue villages, *patta* lands, revenue lands, *gomal* lands and such other areas that did not form State Forests and Reserve Forests were excluded from the areas constituting the Kudremukh National Park. The last paragraph of the said notification dated 16.06.2001 is relevant and is set out below:

"The National Park shall not include any of the Revenue villages, patta lands, revenue lands, gomal lands and such other areas which do not form any part of the above mentioned State Forests and Reserve Forests. The encroached area ordered for regularization under Government Order No.FEE 5 FGL 90 dated 05.05.1997 falling under Kudremukh National Park is also excluded from the National Park. The various rights of way and rights of water as notified in C statements of the respective Reserve Forests shall continue."

30. In view of the above, the assumption of the learned Single Judge that the lands owned by the writ petitioner were required to be compulsorily acquired, is erroneous. There is no material to establish that the Government of Karnataka was required to acquire the subject lands either under the 1894 Act or 2013 Act. The impugned judgment is liable to be set aside on this ground alone. The contentions advanced on behalf of the writ petitioner to the aforesaid effect are also erroneous for the aforesaid reasons.

31. The petitioner's challenge to the impugned proceedings of the District Level Committee is required to be construed bearing in mind that the subject lands were never acquired nor were required to be acquired by the State Government. The question of compensation payable to the writ petitioner is required to be determined on the basis of the Resettlement Scheme, if the same is found applicable.

32. It would be relevant to note that under the Resettlement Scheme – as set out in the Government Order dated 18.04.2005 – there was no compulsion on the part of the writ petitioner to surrender the land. However, the writ petitioner could avail the benefit of the Resettlement Scheme if the same is applicable. We consider it apposite to set out the following relevant extract of the Resettlement Scheme (Government Order No.RD 26 REH 2003, Bangalore dated 18.04.2005):

"As per the reports of the Deputy Commissioners and Deputy conservator of Forest to The Government, for the rehabilitation & resettlement of project Displaced Families (PDF) of Kudremukh National Park, Which consists of 90 Hamlets belonging to 40 revenue villages and about 1300 families living within the outer boundaries of Kudremukh National park, for whom it is proposed to give the following Rehabilitation & Resettlement package.

I. The Resettlement & Rehabilitation package is worked out as under :-

a. The evacuees will be eligible for compensation fixed as per Land Acquisition Act for their own land, structure, and malki existing on their land.

b. Those who have encroached Revenue land and who are eligible to be regularized as per the existing rules will be eligible for compensation for the those land.

c. The encroaches of Minor Forest and State Forest will be eligible for compensation for the area encroached prior to 1980 and are eligible to be regularized.

II) House Plot: Every Family so displaced from Kundremukh National Park will be eligible for free house plot as follows:

xxx                      xxx                      xxx

II) Each PDF from National Park including major (2) sons and unmarried daughters above 35 year age are eligible for a house construction grant of Rs 30,000. if the number of members of the family are more than 5 and less than Rs 40,000 if the number of members of the family more than 5.

III) PDFs allowed to carry salvage materials free of cost

IV) Transportation-

Each PDFs is eligible for Rs 5,000 if the number of members of the family is 5 and less and Rs 8000.00 if the number of members of the family is more than 5 as a lump sum grant,

V) Full Royalty on stones and sand used by each PDF waived

VI) PDF will be eligible for subsistence grant of Rs 2800 per month for 6 months,

VII) They will also be eligible to land purchase grant as follows:

xxx                      xxx                      xxx"

33. It is apparent from the plain language of the Resettlement Scheme that the same is for the benefit of the evacuees, for the purpose of rehabilitating them. It is in this context that the State Government had provided for the compensation to be paid to the evacuees under the Land Acquisition Act. It is apparent that the compensation to be determined is not for any compulsory acquisition but, it is part of the rehabilitation scheme framed at the material time.

34. Thus, the compensation as entailed in the Resettlement Scheme is required to be quantified on the basis as offered by the State Government. The reference to the 1894 Act is only for the purpose of determining the quantum of compensation as offered at the material time. Since at the material time, the 1894 Act was in force and the 2013 Act had not been enacted, the compensation payable is necessarily to be construed as an amount determined under the 1894 Act. The contention that since the writ petitioner had decided to surrender the land in the year 2016, the compensation is required to be determined under the 2013 Act, is unsustainable. The 2013 Act is inapplicable as there are no proceedings either under the erstwhile 1894 Act or under the 2013 Act, to acquire the subject land. The petitioner's claim for

compensation arises from the benefit available under the Resettlement Scheme which was framed in 2005 to accord benefit to certain evacuees. The quantum of compensation is required to be pegged to the date when the offer was made. The contention that the Resettlement Scheme is an open ended scheme and the value of compensation would increase over a period of time, misconstrues not only the language of the Resettlement Scheme but also disregards the nature of the scheme. It overlooks purpose and object of the scheme, which was to rehabilitate the project displaced families (PDF).

35. We also find merit in the appellant's contention that the process for surrender of the land and transfer of the same has not been completed. Therefore, no direction for release of the compensation could be issued prior to the process being completed.

36. The learned Senior Counsel appearing for the writ petitioner had also drawn attention of this Court to the letter sent by the Deputy Conservator of Forests to the petitioner's advocate in response to his letter dated 04.11.2024, which indicates that the State had called upon the petitioner to register 15 Acres of land in favour of the Karnataka Forest Department for release of the

amount of Rs.1,00,23,999/- but, no steps have been taken in that regard. It is also communicated that if the necessary steps are not taken, the budgets available may lapse.

37. The learned Government Advocate appearing for the appellants has drawn attention of this Court to the internal communication dated 07.03.2025 sent by the Additional Chief Secretary to the Government, Wildlife and Environment Department to the Principal Chief Conservator of Forests highlighting that it is not necessary for taking possession of the subject land and further, the acquisition is not compulsory and the respondent's land has not been acquired as yet.

38. In view of the above, we find that the impugned order is unsustainable and is, accordingly, set aside.

39. The appeal is allowed in the aforesaid terms.

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

**Sd/-  
(C M JOSHI)  
JUDGE**

AHB