



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 7TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REGULAR FIRST APPEAL NO.200004 OF 2022 (DEC/INJ)

BETWEEN:

1. MADHAVRAO @ MAHADAN
S/O LATE NARAYANRAO,
AGED ABOUT 63 YEARS,
OCC: AGRICULTURE,
R/O LALBAGH, TQ. & DIST. BIDAR
AND ALSO NEAR GOVT. GIRL'S HIGH SCHOOL,
GOWLI GALLI, BIDAR-585 401.
2. SHARADABAI W/O LATE KAMALAKAR,
AGED ABOUT 51 YEARS,
OCC: AGRICULTURE & HOUSEHOLD,
R/O LALBAGH, TQ. & DIST. BIDAR
AND ALSO NEAR GOVT. GIRL'S HIGH SCHOOL,
GOWLI GALLI, BIDAR-585 401.
3. TUKARAM S/O LATE TIPRARI,
AGED ABOUT 66 YEARS, OCC: AGRICULTURE,
R/O LALBAGH, TQ. & DIST. BIDAR
AND ALSO NEAR GOVT. GIRL'S HIGH SCHOOL,
GOWLI GALLI, BIDAR-585 401.
4. NEETABAI W/O LATE HIRAMAN,
AGED ABOUT 56 YEARS,
OCC: AGRICULTURE & HOUSEHOLD,
R/O LALBAGH, TQ. & DIST. BIDAR
AND ALSO NEAR GOVT. GIRL'S HIGH SCHOOL,
GOWLI GALLI, BIDAR-585 401.





5. BALAJI S/O LATE HIRAMAN,
AGED ABOUT 25 YEARS, OCC: AGRICULTURE,
R/O LALBAGH, TQ. & DIST. BIDAR
AND ALSO NEAR GOVT. GIRL'S HIGH SCHOOL,
GOWLI GALLI, BIDAR-585 401.
6. DEEPAK S/O LATE HIRAMAN,
AGED ABOUT 22 YEARS, OCC: AGRICULTURE,
R/O LALBAGH, TQ. & DIST. BIDAR
AND ALSO NEAR GOVT. GIRL'S HIGH SCHOOL,
GOWLI GALLI, BIDAR-585 401.
7. SUNANDA D/O LATE HIRAMAN,
AGED ABOUT 19 YEARS,
OCC: AGRICULTURE & HOUSEHOLD,
R/O LALBAGH, TQ. & DIST. BIDAR
AND ALSO NEAR GOVT. GIRL'S HIGH SCHOOL,
GOWLI GALLI, BIDAR-585 401.
8. SIDHOJI S/O LATE TIPRARI,
AGED ABOUT 59 YEARS,
OCC: AGRI. AND HOUSEHOLD,
R/O LALBAGH, TQ. & DIST. BIDAR
AND ALSO NEAR GOVT. GIRL'S HIGH SCHOOL,
GOWLI GALLI, BIDAR-585 401.
9. KAVITA W/O SIDHOJI
(GRAND-DAUGHTER OF LATE TIPRARI),
AGED ABOUT 51 YEARS,
OCC: AGRI. & HOUSEHOLD,
R/O LALBAGH, TQ. & DIST. BIDAR
AND ALSO NEAR GOVT. GIRL'S HIGH SCHOOL,
GOWLI GALLI, BIDAR-585 401.
10. SUSHILABAI W/O KISHAN,
(D/O LATE TIPRARI),
AGED ABOUT 56 YEARS,
OCC: AGRI. & HOUSEHOLD,
R/O NEAR OLD WATER TANK,
RAICHUR-584 101.
11. SEEMABAI W/O RAM,
(D/O LATE TIPRARI),
AGED ABOUT 46 YEARS,
OCC: AGRI. & HOUSEHOLD,



R/O NEAR CHITRALEKHA TALKIES,
BIDAR-585 401.

12. SHIVAJI S/O LATE LOKOJI,
AGED ABOUT 58 YEARS, OCC: AGRI.,
R/O LALBAGH, TQ. & DIST. BIDAR
AND ALSO NEAR GOVT. GIRL'S HIGH SCHOOL,
GOWLI GALLI, BIDAR-585 401.

...APPELLANTS

(BY SRI. RAVI B. PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPT. BY THE DEPUTY COMMISSIONER,
BIDAR-585 401.
2. THE CHIEF SECRETARY,
GOVT. OF KARNATAKA,
VIDHANA SOUDHA,
BENGALURU-560 001.
3. THE SECRETARY,
FOREST DEPARTMENT,
GOVT. OF KARNATAKA,
VIDHANA SOUDHA,
BENGALURU-560 001.
4. THE RANGE FOREST OFFICER,
FOREST OFFICE,
OPP. I.M.A. HOUSE,
BIDAR-585 401.
5. THE DY. CONSERVATIVE FOREST OFFICER,
DIVISIONAL OFFICE, FOREST OFFICE,
OPP: I.M.A. HOUSE,
BIDAR-585 401.
6. THE FOREST SETTLEMENT OFFICER,
DEPUTY CONSERVATIVE FOREST OFFICE,
RADIO PARK, BELLARY-583 101.



7. THE CHIEF CONSERVATIVE FOREST OFFICER,
KALABURAGI CIRCLE, FOREST OFFICE,
KALABURAGI-585 102.
8. THE PRINCIPAL CHIEF
CONSERVATIVE FOREST OFFICER,
ARANYA BHAVAN, 18TH CROSS,
MALLESWARAM, BENGALURU-560 001.

...RESPONDENTS

(BY SMT. MAYA T. RAJANNA, HCGP)

THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION 96 OF CPC, PRAYING TO ALLOW THE PRESENT APPEAL BY SETTING ASIDE THE ORDER DATED 02.03.2021 PASSED IN O.S.NO.77/2020 BY THE COURT OF ADDITIONAL SENIOR CIVIL JUDGE AT BIDAR AND CONSEQUENTIALLY TO RESTORE THE SUIT TO ITS ORIGINAL FILE AND PERMIT THE APPELLANTS TO PROSECUTE THE SUIT ON MERITS.

THIS APPEAL COMING ON FOR ADMISSION THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The appellants are before this Court, seeking the following reliefs:

"Wherefore, the Appellants pray that this Hon'ble Court be pleased to allow the present Appeal by setting aside the Order dated 02.03.2021 passed in O.S.No.77/2020 by the Court of Additional Senior Civil Judge at Bidar and consequentially to restore the suit to its original file and permit the Appellants to prosecute the suit on merits, in the interest of justice and equity."

2. The appellants had filed suit in O.S.No.77/2020, seeking the following reliefs:



"Hence it is prayed that

The suit of the plaintiffs be decreed in the following manner:

a) It be declared that the plaintiffs are the exclusive owners of the suit lands

1. Sy No 69, measuring 36-acres 3-gts. R/A Rs. 4-40 P;

2. Sy. No. 70/1, measuring 14-acres 32-gts, R/A Rs. 5-75 P

3. 70/2, measuring 25-acres 15-gts. R/A Rs. 3-80 P

4. 72, measuring 33-acres 32-gts R/A Rs. 8-13 P

5. 73, measuring 35-acres 05-gts R/A Rs. 8-34 P

6. 74, measuring 33-acres 13-gts R/A Rs. 7-98 P

7. 75, measuring 29-acres 15-gts R/A Rs. 20-74 P

8. 76/1, measuring 26-acres 35-gts R/A Rs. 9-81 P

9. 76/2, measuring 16-acres 10-gts R/A Rs. 5-60 P

10. 77, measuring 35-acres 06-gts R/A Rs. 12-31 P

11. 78/1, measuring 22-acres 21-gts R/A Rs. 5-91 P

12. 78/2, measuring 15-acres R/A Rs. 7-84 P

all just adjacent and abutting to each other within the common boundaries as given in the subject matter of the plaint;

b) A decree of mandatory injunction be granted directing all the defendants to initiate acquisition proceedings and to pay the compensation thereof to the plaintiffs in respect of the suit lands.

c) Costs of the suit be awarded,

d) Any other relief to which the plaintiff is legally and equitably entitled to, may also be awarded."

3. An application came to be filed under clause (d) of Rule 11 of Order VII read with Section 151 of the Code of Civil Procedure seeking rejection of the plaint. The Trial Court, by its order dated 02.03.2021 in O.S.No.77/2020, proceeded to reject the plaint on the ground that the plaintiffs had failed to comply



with the mandatory requirement of issuing notice as contemplated under sub-section (2) of Section 114-A of the Karnataka Forest Act, 1963 (hereinafter referred to as "the Act" for the sake of brevity). It is the correctness of the said order of rejection that is called in question in the present appeal.

4. Sri Ravi B. Patil, learned counsel appearing on behalf of the appellants-plaintiffs, would contend that the Trial Court has proceeded on an erroneous construction of Section 114-A of the Act, resulting in an improper rejection of the plaint at the threshold. Elaborating the submission, it is contended that the Trial Court, while noticing that a legal notice dated 29.10.2018 had in fact been issued by the plaintiffs under Section 80 of the Code of Civil Procedure read with Sections 114 and 114-A of the Act, nonetheless fell into error in concluding that the suit was not maintainable for want of sanction as contemplated under sub-section (1) of Section 114-A.
5. It is submitted that the Trial Court has failed to appreciate the distinction between sub-section (1) and sub-section (2) of Section 114-A. Sub-section (1) pertains to prosecution for acts done under the Act and mandates prior sanction of the Government before initiation of such proceedings. In



contradistinction, sub-section (2) governs institution of civil suits against acts purportedly done under the Act and merely requires issuance of a prior notice within the prescribed time.

6. According to the learned counsel, the nature of the present suit is clearly civil and compensatory. The plaintiffs assert pre-existing rights over the subject property, which, according to them, belonged to their predecessors. It is their specific case that although the Forest Authorities had proposed acquisition of the land, no acquisition proceedings were completed in accordance with law; nevertheless, possession was taken and the land was utilised for afforestation by planting trees, thereby depriving the plaintiffs of both possession and compensation.
7. In that view of the matter, the cause of action pleaded is not founded upon any allegation of commission of an offence by forest officials, nor does it seek to initiate any prosecution under the provisions of the Act. The relief sought is essentially one for enforcement of civil rights and for grant of just compensation for the unauthorised utilisation of the plaintiffs' land.
8. It is therefore contended that the suit squarely falls within the ambit of sub-section (2) of Section 114-A,



and not under sub-section (1). Once it is established that notice, as contemplated under Section 80 of the Code of Civil Procedure read with the relevant provisions of the Act, has been issued, the requirement of law stands satisfied. The Trial Court, by conflating the requirement of sanction under sub-section (1) with the requirement of notice under sub-section (2), has committed a jurisdictional error in rejecting the plaint under Order VII Rule 11(d) of the Code of Civil Procedure.

9. Thus, he submits that, no sanction being required, only notice was required to be issued under sub-section (2) of Section 114-A of the Act and in this regard, he relies upon a decision of a Single Judge of this Court dated 24.11.2021 in RFA No.200015/2020, more particularly para 18 thereof, which is reproduced hereunder:

"18. It is necessary to note that the trial Court has referred to the provisions of Sub-Section (1) of Section 114-A of the Act, which mandates obtaining prior sanction of the State Government. That observation may not be appropriate in view of Sub-Section (2) of Section 114-A of the Act, specifically dealing with the issue regarding filing of the suit. The present lis is only with regard to the right, title and interest of the plaintiffs and the alleged interference by the defendant Nos.2 and 3 into peaceful possession of the plaintiff over the suit property. Therefore, that would fall under Sub-Section (2) of Section 114-A of the Act requiring issuance of notice alone and would not fall under Sub-



Section (1) of Section 114-A of the Act warranting prior sanction from the State Government."

10. By relying on ***Sidramayya***'s case, he reiterated his submission that if a claim is only under sub-section (2) of Section 114-A of the Act, only a notice would suffice and only in the case of prosecution of an offence by the forest officials, sanction under sub-section (1) of Section 114-A would be required. On that ground, he submits that the rejection of plaint is misconceived and is required to be set aside, the suit restored to file and the plaintiffs permitted to prosecute the suit.
11. Smt. Maya T. Rajanna, learned High Court Government Pleader would however, submit that in the notice that had been issued, a request for prosecution has also been made and as such, the Trial Court has rightly considered sub-section (1) of Section 114-A of the Act.
12. Heard Sri.Ravi B.Patil, learned counsel for the appellants and Smt.Maya T.R., learned High Court Government Pleader for respondent-State.
13. A short question that would arise for consideration before this Court is:



- i. Whether sanction of the appropriate authority under Section 114-A of the Karnataka Forest Act is required to be obtained before initiating a suit seeking for declaratory reliefs and/or compensation as regards a certain land claimed to be the private property of the plaintiffs?

14. Section 114-A of the Act is reproduced hereunder for easy reference.

"114-A. Suits or prosecution in respect of acts done under colour of duty not to be entertained without sanction of the State Government.-

(1) In any case of alleged offence or of wrong alleged to have been committed by any Forest Officer, by any act done under colour or in excess of any such duty or authority under this Act, or wherein it shall appear to the court that offence if committed was of the character aforesaid, the prosecution or suit shall not be entertained except with the previous sanction of the State Government.

(2) In the case of an intended suit on account of such wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer one month's notice at least of the intended suit with sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if so, what tender of amends has been made by the defendant. A copy of the said notice



shall be annexed to the plaint endorsed with a declaration by the plaintiff of the time and manner of service thereof.

15. An examination of the structure and scheme of Section 114-A of the Act. Sub-section (1) of Section 114-A provides that in cases involving an alleged offence or a wrong committed by a Forest Officer under colour of duty, no prosecution or suit shall be entertained without previous sanction of the State Government. Sub-section (2), however, specifically deals with intended suits and mandates issuance of one month's prior notice to the alleged wrongdoer, failing which the suit shall be dismissed. Sub-section (3) prescribes the procedural requirement of pleading and annexing such notice.
16. A careful reading of the provision would indicate that sub-section (1) operates in a field distinct from sub-section (2). The use of the expressions "offence" and "prosecution" in sub-section (1) is of considerable significance. These expressions, in their ordinary legal connotation, relate to penal consequences and criminal liability. Though the provision also uses the word "suit", the context in which it is employed is clearly linked to acts which partake the character of



an offence or are integrally connected with prosecutorial action.

17. In contradistinction, sub-section (2) consciously omits the expression "offence" and deals exclusively with civil wrongs. The legislative intent is thus to carve out a separate procedural regime for civil actions arising out of acts done under the colour of duty. In such cases, the requirement is not prior sanction, but prior notice, thereby affording an opportunity to the authority to redress the grievance or tender amends before the institution of the suit.
18. The distinction between the two provisions is not merely semantic but substantive. To mix up the requirement of sanction under sub-section (1) with the requirement of notice under sub-section (2) would render the latter otiose and defeat the legislative scheme.
19. In the present case, the averments in the plaint unmistakably indicate that the plaintiffs are asserting their civil rights over the subject property and are seeking compensation on the ground that the land, though not acquired in accordance with law, has been utilised by the Forest Department for afforestation purposes. There is no allegation in the



plaint seeking initiation of criminal prosecution for an offence under the Act. The cause of action, as pleaded, is one of civil wrongdoing, namely unauthorised deprivation of property and denial of compensation.

20. The contention of the learned High Court Government Pleader that the notice issued by the plaintiffs contains a reference to prosecution does not, in our considered view, alter the nature of the suit. The character of the proceeding must be determined on the basis of the pleadings and the reliefs sought in the plaint, and not on stray or ancillary expressions employed in the notice. A mere reference to possible prosecution cannot convert a civil action into one requiring sanction under subsection (1), unless the suit itself is founded upon allegations of an offence and seeks consequences in the nature of prosecution.
21. The reliance placed by the learned counsel for the appellants on the decision in **Sidramayya's case** is well-founded. The principle enunciated therein squarely applies to the facts of the present case and reinforces the interpretation that civil suits of the



present nature fall within the ambit of sub-section (2) of Section 114-A.

22. Therefore, upon a holistic consideration of the statutory provision, the nature of the suit, and the binding precedent, we are of the considered opinion that prior sanction of the State Government under sub-section (1) of Section 114-A is not a condition precedent for institution of the present suit. The only requirement is issuance of one month's prior notice as contemplated under sub-section (2), which, in the present case, has admittedly been complied with.
23. The Trial Court, in rejecting the plaint under Order VII Rule 11(d) of the Code of Civil Procedure, has proceeded on an erroneous interpretation of Section 114-A by applying the requirement of sanction even to a suit founded on civil wrong. Such an approach amounts to a clear misdirection in law and results in failure to exercise jurisdiction vested in the Court.
24. Accordingly, we answer the question of law by holding that no previous sanction under Section 114-A(1) of the Act is required for instituting a civil suit seeking declaratory reliefs and/or compensation based on alleged wrongful acts of forest authorities;



compliance with the notice requirement under Section 114-A(2) alone is sufficient.

25. In that view of the matter, the impugned order passed by the Trial Court cannot be sustained. The rejection of the plaint being legally untenable is liable to be set aside. Consequently, the plaint in O.S. No. 77/2020 is restored to the file of the Trial Court for adjudication on merits in accordance with law, we pass the following:

ORDER

- i. The appeal is ***allowed***.
- ii. The Order dated 02.03.2021 passed by the Additional Senior Civil Judge, Bidar in O.S.No.77/2020 is set aside.
- iii. The plaint is restored to its file.
- iv. It is made clear that this Court has not expressed any opinion on the merits of the matter.
- v. The burden of proving the allegations made squarely rests on the plaintiff and would have to be determined by the trial Court on the basis of the evidence adduced on record.



- vi. Now that the plaint is restored to file, the respondents herein who are the defendants therein are granted 60 days time to file their written statement.
- vii. Since the order is passed in the presence of both the counsels, the parties shall appear before the trial Court without requirement of any notice on 08.06.2026 at 11:30 a.m.
- viii. Registry is directed to forthwith return the trial Court records to the concerned Court.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

LG,VNR
List No.: 2 SI No.: 33
CT:SI