

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, CHENNAI
ORIGINAL APPLICATION NO. 281/2024**

IN THE MATTER OF:

Suo Moto matter in respect of news item appearing in The Deccan Herald dated 30.08.2024 titled "*Retired DCF penalized for illegal felling of 800 trees in Madikeri forest*"

...Applicant

VERSUS

Principal Chief Conservator of Forests
Karnataka and Others

...Respondents

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Place: New Delhi

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REPORT ON BEHALF OF RESPONDENT NO. 1

MOST RESPECTFULLY SHOWETH:

1. The instant report is being filed with respect to the allegation regarding illegal tree felling in the news report dated 30.08.2024 titled "*Retired DCF penalized for illegal felling of 800 trees in Madikeri forest*", published in The Deccan Herald.
2. In this regard, it is submitted that, the Karnataka Housing Board Corporation, Bengaluru is the owner of the properties bearing Sy. no 60/1 & 60/3 of redeemed sagu jaga, in Sy. No 35/2, 34, 31/3 of sagu bane land, 31/1, 22/11, 22/15, 22/16 of paradina bane and sy.no 65/22 of sagu bane and other properties situated in K. Nidugane village, Madikeri Taluk, Kodagu district.
The revenue classification of the lands as mentioned above do not come



under 'Forest Lands'. The RTC pertaining to the said properties is registered in the name of "The Commissioner Karnataka Housing Board, Kaveri Bhavan, Bangalore."

3. It is submitted that, the Karnataka Housing Board entered into a memorandum of agreement with *M/s Parthipati Project Private Limited Bangalore* regarding development of Construction project in the properties.
4. The concerned properties have been converted from agricultural to non-agricultural purpose (Residential Layouts) as per the order of the Deputy Commissioner Kodagu district, Madikeri dated 07.11.2020. For the purpose of conversion, the erstwhile DCF has given an NOC.
5. *M/s Parthipati Project Private Limited* moved an application dated 05.04.2017 seeking permission to remove some of the trees situated adjacent to the road and surrounding the boundaries of the aforesaid properties which were obstructing for the purpose of construction project.
6. After perusing the application, the Forest department granted cutting permit to fell and remove 808 trees from the aforesaid properties without following the procedures before issuing the cutting permit. Total 738 trees out of 808 trees were fell and transported to the Government Timber Depot, Anekad.



7. The said illegal order was brought to the notice of Additional Secretary to the Chief Minister of Karnataka and in turn, Mr. M L Manjunath was suspended under an order bearing no Apaji 76 Ave 2019 Bangalore dated: 13.06.2019 for dereliction of duty, breach of trust, misconduct and non-transparency in discharging his official duty. Disciplinary action was initiated against him.
8. The disciplinary Authority issued an article of charge under vide Notice No. Apaji 76 AEV dated 28.11.2019 alleging that he had illegally granted cutting permission to fell and transport 808 trees under an order dated Bhoomi/GL/Bho Pari/2019-20 dated 16.05.2019 in the properties bearing Sy. no 60/1 & 60/3 of redeemed sagu jaga, in Sy No 35/2, 34, 31/3 of sagu bane land, 33, 31/1, 22/11, 22/15, 22/16, of paradina bane and Sy.no 65/22 of sagu bane and other properties situated in K. Nidugane village, Madikeri Taluk, Kodagu district, without compliance of basic principle of law i.e.,
- (a) without obtaining opinion of Revenue department
 - (b) without conducting the joint survey which act is violation of Rule 3(1)(i)(i)(iii) of Kamataka Civil service rules 1966, the order of Hon'ble Green Tribunal dated 14-03-2017; Rules 120, 116, 61 of Karnataka Forest Rules and Section 2 of the Forest Conservation Act 1982 and Rule 145 of Karnataka Forest Rules.
9. The Enquiry Officer submitted the enquiry report dated 28.11.2023 by upholding the charges framed against him.

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10. Thereafter, the Government of Karnataka under an order bearing No. Apaji 76 Ave 2019 Bangalore dated 20.08.2024 imposed punishment against DCF Mr. M.L. Manjunath by deducting 5% of his pension for the period of two years as per Rule 214 (1)(a) of Karnataka Civil servants act. The same was appeared in the newspaper titled "Retired DCF penalised for illegal felling of 800 trees in Madikeri Forest."
11. With respect to the above newspaper report based on which the instant Original Application has been registered *suo moto*, it is submitted that:
- a) It is true that the Government ordered a penalty of deducting 5% from the pension of the DCF M.L. Manjunath for his dereliction of duties.
 - b) However, the contents of the news article with respect to alleged diversion of forest land are incorrect.
12. The properties involved in the above case are redeemed sagu jaga, sagu bane land, and paradina bane land. The properties bearing Sy.No.58, 59/1, 59/2, 22/7, 36 and 38 originally belonged to one Sri. Nerne Appa Rao and the property bearing Sy. No.37 originally belonged to Sri. N. Srinivasa Rao which were their private properties. Those properties are alienated bane land under assessment. Those properties are neither reserved Forest nor deemed Forest nor Government Land. Those lands were under private ownership. Therefore, the question of raising objection for the conversion from agricultural to non-agricultural does not arise at all.



13. The Karnataka Housing Board purchased those properties from the private ownership and became the absolute owner of the same and the RTC stands registered in the name of the Karnataka Housing Board, Bengaluru.
14. Pertaining to the ownership of the trees naturally grown in the land, the Government of Karnataka in order No:APAJI/ 81/FAF/2021 dated:20.03.2023 has clarified the right over the trees. The said notification says:

Ownership of the trees naturally grown in the land:

“All naturally grown trees that existed before the date of alienation, unless redeemed, belong to the Government. Further all naturally grown trees that existed before the date of alienation, whether reserved or not reserved, belong to the Government. Trees grown after the date of alienation shall belong to the land owner, unless reserved by the Government. In case there is a dispute regarding whether a tree existed prior to the date of alienation or later and that could not be resolved by the jurisdictional Tree Officer and Circle in charge, the value of such tree will be shared between the land owner and the Government in equal proportion.”

As per the said notification, the trees grown in redeemed sagu land, and trees grown in the properties after the alienation or trees grown after alienation or after assessment, shall belong to the owner.

Therefore, the question of raising objection for conversion does not arise at all.

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c) The contents of the news article regarding afforestation measures not being taken are denied as false.

15. The properties involved in the above case are not Forest Land. Moreover, the project taken by the Karnataka Housing board is for the development of building construction. The parties applied for removal of trees grown in the said properties for the purpose of construction of residential building.

d) Regarding the allegation of Forest Conservation Act, 1980, Environment Protection Act, 1986 and Non-Compliance of Environmental norms

16. It is submitted that the properties involved in the above case does not come under the Eco sensitive zone of Pushpagiri hills and which is not detrimental to the act and rules of Forest Conservation act and Environment Protection act. Therefore, the question of violation of the said act or rules does not arise, and neither does the question for compensatory afforestation.

17. It is submitted that there had been some procedural lapses on the part of the DCF Mr. M.L. Manjunath in dealing with the matter of granting cutting permission for cutting and removing 808 trees in the aforesaid properties. He had failed to conduct joint survey before granting cutting order.

18. It is submitted at the cost of repetition that for his procedural lapse and dereliction of duties, separate disciplinary proceedings were initiated and

Justice

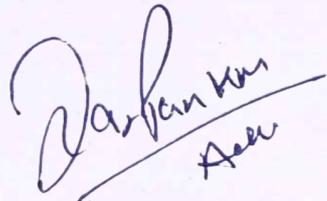
after conducting of enquiry the Government of Karnataka imposed a penalty of deducting 5% of the pension for a period of two years under an order bearing No. Apaji 76 Ave 2019 Bangalore dated 20.08.2024.

19. It is submitted that the trees were situated in the private properties, wherein the Government has no tree rights. The project initiated by the Karnataka Housing Board is a Government Project. The timber logs were transported to the Government Timber Depot at Anekadu. Hence there is no monetary or other loss caused either to the Department of Forest or to the Government.
20. In view of the above, it is prayed that the present Original Application may be disposed of.


FOR RESPONDENT NO. 1
CHIEF CONSERVATOR OF FOREST
KODAGU
Kodagu Circle, Madikeri

DATE: 10.12.2025

FILED BY


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