

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE BENCH, CHENNAI  
ORIGINAL APPLICATION NO. 87/2022**

**IN THE MATTER OF:**

Mohaque Mehra

...APPLICANT

Versus

State of Karnataka and Others

...RESPONDENTS

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**Date: 22.07.2024**

**Filed By**



**Darpan KM  
Standing Counsel  
State of Karnataka**

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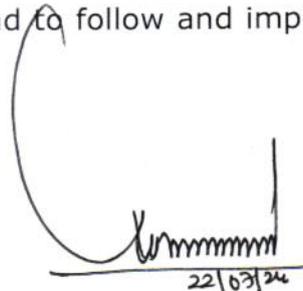
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**REPORT FILED AS PER INSTRUCTIONS OF THE CHIEF  
SECRETARY, GOVERNMENT OF KARNAKATAKA**

1. In the hearing of this Application of 6<sup>th</sup> May 2024, the Hon'ble Tribunal had directed "***Let the learned Government Pleader get appropriate instructions from the Chief Secretary and file a report in this regard to retain the said piece of land in Survey No. 128 as forest land which would resolve the entire issue. However, it is imperative that the eviction of the encroachers have to be proceeded with***".
2. In compliance of these directions, it is submitted, that the Chief Secretary, Government of Karnataka, convened a meeting at 15:30 hrs. on 26.06.2024. A copy of the list of members present in the said meeting, and a record of the proceedings of the said meeting is produced as **Annexure A** herewith. The said proceedings authorize the Principal Chief Conservator of Forests (Head of Forest Force), Karnataka, to file the report on behalf of the Chief Secretary, Government of Karnataka.

3. From the proceedings of the meeting, it is evident that the process of encroachment removal in all the 15 cases, which had been submitted to have been initiated in the affidavit filed in this Application in the 06<sup>th</sup> May 2024 hearing, is continued. The Chief Secretary has directed the Deputy Commissioner, Hassan, to complete the process as per law. The process is in active continuity.
4. The proceedings evidence the fact that the land in Survey No. 128 of Abanna Village being a "Gomala" land cannot be granted to anybody except by law, including to the forest department. The concern of this Hon'ble Tribunal that the arboreal character of the land is to be maintained, and no portion of it should be mutated to anybody for any purpose other than forestry, was noted in the said meeting.
5. This Hon'ble Tribunal may hence take the above submissions on record and the Respondent shall be duty bound to follow and implement any order passed by this Hon'ble Tribunal.

(Draft approved by Chief Secretary  
Govt. of Karnataka)

  
22/07/24  
**Principal Chief Conservator of Forests**  
**Head of Forest Force, Karnataka**

**Date: 22.07.2024**

## Annexure A

**Proceedings of the meeting held at 15:30 hrs. on 26.06.2024 in Room number 313 of Vidhana Soudha in the Chairmanship of the Chief Secretary, Government of Karnataka regarding OA No. 87/2022(SZ) before the National Green Tribunal (South Zone, Chennai)**

**Members Present:**

1. Dr. Rajneesh Goel, IAS,  
Chief Secretary,  
Government of Karnataka.
2. Dr. Shalini Rajneesh, IAS,  
Addl. Chief Secretary &  
Development Commissioner,  
Government of Karnataka.
3. Sri Brijesh Kumar Dikshit, IFS,  
Principal Chief Conservator of Forests (HoFF),  
Forest Department.
4. Sri Prabhash Chandra Ray, IFS,  
Principal Secretary,  
Forest Environment and Ecology Department.
5. Smt. Sathya Bhama, IAS,  
Deputy Commissioner,  
Hassan District.  
**(Through Video Conference)**
6. Sri. Varaprasad Reddy, KAS,  
Additional Secretary,  
Revenue Department.
7. Sri Anvar Pasha.  
Deputy Secretary,  
Survey Settlement & Land Records.

The Principal Chief Conservator of Forests (HoFF), welcomed the Chairman and all officers present in the meeting. This meeting was held subsequent to the meeting held on 25.03.2024 for discussion on the action to be taken on the orders of the Hon'ble National Green Tribunal in Original Application number 97/2022 dated 06.05.2024. The Principal Chief Conservator of Forests (HoFF) submitted that the paragraphs of the order that needs to be particularly focussed and acted upon are as follows-

**" 7. In such circumstances, we would only direct the Government of Karnataka to consider retaining these lands only as forest land and not to convert them for any other purposes. Any attempt to mutate any revenue records in this regard pending disposal of this application will be non-est in law.**

**8. Let the learned Government Pleader get appropriate instructions from the Chief Secretary and file a report in this regard to retain the said piece of land in Survey No. 128 as forest land which would resolve the entire issue. However, it is imperative that the eviction of the encroachers have to be proceeded with.**

**9. Let the Government appropriately evict the encroachers from the above-referred survey numbers and revert to us."**

The Deputy Commissioner brought to the notice of the Chair that as discussed in the previous meeting dated:25-03-2024, after detailed verification of available revenue records viz., RTC, MR, Index of land, Aakarbandh it was found that the land in question in Survey No.128 belongs to Revenue Department and accordingly PCCF, HoFF submitted an affidavit to National Green Tribunal on 4<sup>th</sup> May 2024.

It was noted that there is no doubt that the land bearing survey number 128 of Abanna village in Hassan is a "Gomala". As is the case with Gomala lands, they are in the control of revenue department for providing the grazing rights for the village community. Gomala lands cannot be granted except as provided by law. They cannot be even granted to Forest department.

The PCCF (HoFF) said that when the contents of the above cited paragraphs of the order are read together, we can appreciate that the Hon'ble National Green Tribunal is concerned of the fact that the land in the said village and survey number should not lose its arboreal character, no portion of it be mutated to anybody for any purpose other than forestry, and the present encroachers be proceeded against for eviction as per law. In this regard, the Revenue department has already issued and served notices. These are a part of the annexures filed for the hearing scheduled on 06.05.2024.

The Deputy Commissioner, Hassan, confirmed that notices have been served to all the 15 encroachers and that the encroachers have replied to the notices through their advocate. It was resolved that the District Commissioner will address a letter to the Committee chaired by Hon'ble MLA of the Constituency mentioning the action to be taken with regards to eviction of the above land before third week of July, 2024, since the matter is posted on 23.07.2024.

It was decided to take the following actions:

- a) The Deputy Commissioner should complete the process of encroachment removal as per law and provide details of the show case notices issued, replies received etc for interim submission to the Hon'ble court.

**(Action: Deputy Commissioner, Hassan)**

- b) The Revenue Department to submit the legal hindrances in declaring Gomal land as forest land as directed by the court for reconsideration.

**(Action: Principal Secretary, Revenue Department)**

- c) After receiving the reports from the revenue department and the Deputy Commissioner the PCCF (HoFF) shall submit a detailed report to the Hon'ble National Green Tribunal within one week.

**(Action: PCCF (HoFF))**

The meeting ended with vote of thanks to the chairperson and all officers.

Dr. Rajneesh Goel, IAS,  
Chief Secretary,  
Government of Karnataka