

HC QUASHES DENOTIFICATION 260 ACRES OF FOREST IN SHIVAMOGGA DISTRICT

Relevant for: Environment | Topic: Environmental Conservation, Sustainable Development, and EIA

In a setback to the State government, the High Court of Karnataka on Thursday quashed the notification issued in 2017 denotifying 260 acres of forest area in Shivamogga district purportedly for rehabilitating people affected from Linganamakki dam project area in 1960.

The court set aside the notification, issued on February 23, 2017 under Section 28 of the Karnataka Forest Act, 1963, while holding that the State government could not have exercised its statutory power without the prior approval from the Central government under the provisions of the Forest (Conservation) Act, 1980.

While directing the State government to initiate criminal prosecution under the provisions of the FC Act if any officers were responsible for not following the law, the court made it clear that a notification issued under Section 28 of the KF Act, 1963 sans prior approval from the Central government cannot be implemented or given effect to. A Division Bench passed the order while allowing a PIL petition by one Gireesh Achar, a social activist hailing from Hosanagar in Shivamogga district.

Petitioner's advocate Veerendra R. Patil had argued that the notification was illegal and the court in November 2020 restrained the State government from taking further step based on 2017 notification and not to alter status of forest land after Central government said that its prior approval was needed.

Not only the State government violated the provisions of the FC Act but it also acted contrary to the law laid down by the Supreme Court in Godavarman case, the Bench said. Minimum that was expected from the State government was not to indulge in de-reservation/denotification of forest in violation the FC Act and the well-settled doctrine of public trust to protect the forests, the Bench observed. The Bench also noticed that the State government had not published 2017 notification in the official gazette despite such a mandate in the KF Act.

The State government had issued notification in 2017 denotifying 240 acres of forest at Suduru village and 20 acres at Kudi village of Shivamogga citing that people affected from the dam project could not be given land documents for the land without issuing notification under Section 28 (power to declare forests no longer reserved forests) of the KF Act, 1963. It had also claimed that 260 acres were part of around 9,900 acres of reserved forest area that was deserved from forest between 1959 and 1969 for rehabilitating people affected from the dam project.

Subscribe to The Hindu digital to get unlimited access to Today's paper

Already have an account ? [Sign in](#)

Start your 14 days free trial. [Sign Up](#)

Find mobile-friendly version of articles from the day's newspaper in one easy-to-read list.

Enjoy reading as many articles as you wish without any limitations.

A select list of articles that match your interests and tastes.

Move smoothly between articles as our pages load instantly.

A one-stop-shop for seeing the latest updates, and managing your preferences.

We brief you on the latest and most important developments, three times a day.

*Our Digital Subscription plans do not currently include the e-paper, crossword and print.

You can support quality journalism by turning off ad blocker or purchase a subscription for unlimited access to The Hindu.

[Sign up for a 30 day free trial.](#)

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com