

Dr. Kota Shivram Karanth and Others

Vs

State of Karnataka and Others

Writ Petition (Civil) No. 35 of 1987

(Dr. T. K. Thommen, S. C. Agarwal JJ)

26.03.1992

ORDER

1. This is a public interest litigation. The main complaint of the petitioner is that an area of 30,000 hectares of reserve/minor forest and C & D class lands had been handed over to a Joint Sector Undertaking called the Karnataka Pulp Wood Limited for the purpose of developing the area as a plantation for producing raw material for the paper industry. The petitioner complain that the conversion of the land for the said purpose would upset the ecological balance of the area and affect the livelihood of persons who depend upon the produce the forest. One of the other complaint is against the formation of a Joint Sector Company to take over the said land.

2. The State has now produced before us an affidavit together with a Government Order dated October 24, 1991 stating that a decision has been finally taken by the State Government to wind up the aforesaid Karnataka Pulp Wood Ltd. It is further stated in paragraph 6 and 7 of the affidavit as follows :

"6. It is further respectfully submitted that the produce realised from the planted area that would be taken over by the Karnataka Forest Development Corporation Limited would be sold by public auction as per present policy of the Government. So, the produce will go to the public and will not go for any monopoly supply thereby, it will be available to the public.

7. It is respectfully submitted that out of the total extent of 30,000 hectares sanctioned by the Government as well as the Financing Agency, which was under implementation by the Karnataka Pulpwood Limited, only 8,524 hectares have been planted. No. further area shown to the Karnataka Pulpwood Limited will be planted by the Karnataka Forest Development Corporation Limited. It is further submitted that the Karnataka Pulpwood Limited is being taken over by the Karnataka Forest Development Corporation Limited, on 'as is where is basis'".

3. The averments in the affidavit and the Government Order show that the Company is being would up and 8,524 hectares of land handed over to the Company will be taken over by the Karnataka Forest Development Corporation Limited which is a fully State Government owned Corporation and the produce from the said area of 8,524 hectares would be available to the public. The rest of the area under the Sanction Order will be dealt with according to the Forest Conservation Act, 1980 and other relevant laws. In this respect, paragraph 4 of the affidavit is relevant. It reads :

"It is further respectfully submitted that regarding forests lands the village

community have been given certain rights and privileges to graze their cattle dry firewood. The Government of India in its letter No. 6-21/89-P dated June 1, 1990 has in fact advocated the utilisation of the degraded forests for the protection and development of such forests by the surrounding village community so as to benefit the village community. The Government of Karnataka is taking decision shortly on the advice of the Government of India in this direction as the same as under examination by the State Government."

4. Counsel for the State Government Mr. Bhat submits that the Government Order and the averments contained in the affidavit produced before us today ought to give sufficient assurance to the petitioners that their demands have been met by the State. Counsel submits that if the petitioners have any other complaint in regard to their individual rights, it will be open to them to agitate such questions before the appropriate authorities under the relevant statutes.

5. The affidavit and the Government Order produced before us shall form part of the record. In the light of what is stated in the in the affidavit and the Order of the Government, the writ petition has become infructuous. It is however open to the petitioners to agitate individual complaints, if any, before the appropriate statutory authorities. The petition is accordingly disposed of.

6. In the light of this judgment, the contempt petitions are dismissed and all other interlocutory petitions are disposed of.

</html