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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 2579 OF 2014 (GM-FOR)

BETWEEN

MR. RAVIRAJA RAI M
AGED 37 YEARS
SON OF SANKAPPA RAI
R/AT MEENAV HOUSE
PADUVANNUR VILLAGE
ISHWARAMANGALA POST
PUTTUR TALUK 574 313

...PETITIONER

(BY SRI.P.P. HEGDE., SR. ADVOCATE FOR
SRI. VENKATESH SOMAREDDY., ADVOCATE)

AND

1. THE STATE REPRESENTED BY THE
RANGE FOREST OFFICER
PUTTUR RANGE
PUTTUR

2. THE AUTHORIZED OFFICER &
DEPUTY CONSERVATOR OF FORESTS
MANGALORE DIVISION
MANGALORE-574313.

... RESPONDENTS

(BY SRI. MAHANTESH SHETTAR., AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A





WRIT OF CERTIORARI, QUASHING THE ORDER DATED 16TH APRIL, 2010 PASSED BY THE AUTHORISED OFFICER AND DEPUTY CONSERVATOR OF FORESTS, MANGALORE DIVISION, MANGALORE IN O.R. NO.70/2006-07 OF PUTTUR RANGE FOREST OFFICE, PUTTUR AS PER ANNEXURE-H AND THE JUDGMENT DATED 27TH SEPTEMBER, 2013 PASSED BY THE III ADDL. SESSIONS JUDGE, D.K., MANGALORE IN CRIMINAL APPEAL NO.52/2010 AS PER ANNEXURE-J AND GRANT SUCH OTHER AND FURTHER RELIEFS AS THE HON'BLE COURT DEEMS FIT TO GRANT UNDER THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT PETITION COMING ON FOR ORDERS AND HAVING BEEN RESERVED FOR ORDERS ON 15.04.2025, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

CAV ORDER

1. Petitioner is before this court seeking for the following reliefs:

Issue a writ of certiorari, quashing the order dated 16th April, 2010 passed by the Authorised Officer and Deputy Conservator of Forests, Mangalore Division, Mangalore in O.R. No.70/2006-07 of Puttur Range Forest Office, Puttur as per Annexure-H and the Judgment dated 27th September, 2013 passed by the III Addl. Sessions Judge, D.K., Mangalore in Criminal Appeal No.52/2010 as per Annexure-J and grant such other and further reliefs as the Hon'ble Court deems fit to grant under the circumstances of the case, in the interest of justice and equity.

2. The petitioner is a registered owner of Mahindra Pickup Vehicle, bearing registration number KA-19A-3964. A case was registered in OR No.70/2006-07 of



Puttur Range Forest Office, for offences under section 32, 62, 71A and 80 of the Karnataka Forest Act, 1963 [[hereinafter referred to as 'KFC Act']] alleging that on 29-03-2007 at Santhya in Eswaramangala Nathanigemudnoor village, Puttur Taluk, the forest officers had seized the said vehicle containing 5 logs of Kiralbogi Timber, alleging that the same was being transported without any permit.

3. The vehicle and the logs having been seized, an FIR came to be registered, Mahazar was conducted on 30-03-2007 of the location of seizure of the vehicle. Further, Mahazar was conducted on the place where the timber was allegedly cut as pointed out by the petitioner. A report came to be submitted by the Asst. Conservator of Forest [hereinafter referred to as 'ACF'], confiscation proceedings have been taken up. During pendency of the same, interim custody of the aforesaid vehicle was given to the petitioner on 21-07-2007 upon the petitioner furnishing a bank guarantee of Rs. 80,000/-.



4. On 23-08-2007 a show-cause notice came to be issued by respondent No.2, authorised officer being a Deputy Conservator of Forest, [hereinafter referred to as 'DCF'], which was replied to by the petitioner on 23-10-2007. The DCF having taken up the matter, on behalf of the prosecution four witnesses were examined, 16 documents were marked. The petitioner did not lead any evidence but, however, cross examined the witnesses of the prosecution. The contention of the petitioner came to be rejected vide order dated 16-04-2010 confiscating the vehicle to the Government.
5. Challenging the said order of the DCF, the petitioner filed an appeal under Section 71D of the KFA to the Sessions Court, D. K. Mangalore, in Criminal Appeal No.52/2010, which came to be dismissed by the II Addl.Sessions Judge D.K. Mangalore by way of a judgement dated 27-09-2013. It is challenging the same petitioner is before this Court.



6. Sri.P.P.Hegde, learned Senior counsel appearing for the petitioner would submit that:

6.1. The confiscation procedures which have been taken up are contrary to the mandatory provisions of Law. There are no grounds made out for confiscation of the vehicle. The contention of the petitioner have not been properly considered. If they had been so considered, the proceedings would not have been drawn. The petitioner is the RC holder, (registration certificate) of the vehicle in question. The petitioner has not been involved in any offence of cutting any trees; at the most, there was only transport of felled trees using the vehicle of the petitioner, which the petitioner had no knowledge of. The conclusion drawn that the timber had been transported in the vehicle of the petitioner cut from the property of one Gopal Bhaira is without any basis.



6.2. There is a contradiction inasmuch as it is contended that the trees were felled in the land of Gopal Bhaira, thereby the same amounting to private property. On the other hand, it is contended that the trees were felled from the forest adjoining the land of Gopal Bhaira. This contradiction would have to enure to the benefit of the petitioner.

6.3. The ACF having conducted an investigation and submitted a report, when the petitioner had categorically stated that the logs had been removed from the patta property of the said Gopal Bhaira, this aspect has not been considered and a false report has been submitted that the trees had been cut from the government land.

6.4. On 5-07-2007, the ACF had gone to the house of Gopal Bhaira to verify whether the seized wooden logs were cut from the said property. The same was so verified, the stumps were



identified and matched with the cut logs. Thus, he submits that it is clear that the logs were cut from the private property of Gopal Baira and not from any forest. The case of the prosecution has been sought to be improved upon by contending that even the land of Gopal Bhaira was granted land and on grant, any trees standing on the said property continue to belong to the government. There is absolutely no evidence which has been placed on record as to when the trees were planted whether it was before the grant or after the grant and as such, it cannot be said that the trees would belong to the government unless it is established that the trees were planted prior to the grant.

6.5. By referring to Section 62, he submits that seizure could be made of property/logs of only that belonging to the government other than sandal wood, seizure of private logs cannot be



made. Said Section 62 of KFC Act is reproduced hereunder for easy reference:

62. *Seizure of property liable to confiscation.*

1. When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all tools, boats, vehicles or [cattle or any other property used] [Substituted by Act 12 of 1998 w.e.f. 11.5.1998.] in committing any such offence, may be seized by any Forest Officer or Police Officer.

2. Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has been or is being used for the transport of forest produce in respect of which there is reason to believe a forest offence has been or is being committed, require the driver or other person in charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary to examine the contents in the vehicle and inspect all records relating to the goods carried which are in the possession of such driver or other person in charge of the vehicle.

3. Every officer seizing any property under this section [x x x] [Omitted by Act 12 of 1998 w.e.f. 11.5.1998.] shall, as soon as may be, [make a report of such seizure,-

(a) where the offence on account of which the seizure has been made is in respect of timber, ivory, [gulmavu (machilus macrantha) bark, dalchini bark, halmaddi (exudation of ailanthus malabaricum), canes], firewood or charcoal which is the property of the State Government or in respect of sandalwood, to the concerned authorised Officer under section 71A; and

(b) in other cases, to the magistrate having jurisdiction to try the offence on account of which the seizure has been made;]



Provided that when the forest produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

6.6. He refers to Section 71A(1) which is reproduced hereunder for easy reference:

71A. Confiscation by Forest Officers in certain cases.

- (1) *Notwithstanding anything contained in the foregoing provisions of this Chapter [or in any other law], where a forest offence is believed to have been committed in respect of timber, [ivory, [gulmavu (machilus marantha) bark, dalchini bark, Halmaddi (exudation of ailantus malabricum), canes] [Substituted by Act 1 of 1981 w.e.f. 23.2.1981.], firewood and charcoal which is the property of the State Government or in respect of sandalwood]3, the officer seizing the property under sub-section (1) of section 62 shall, without any unreasonable delay produce it, together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence, before an officer authorised by the State Government in this behalf by notification in the official Gazette, not being below the rank of an Assistant Conservator of Forests (hereinafter referred to as the authorised officer).*
- (2) *Where an authorised officer seizes under sub-section (1) of section 62 any timber, [ivory, firewood [gulmavu (machilus marantha) bark, dalchini bark, halmaddi (exudation of ailantus malabricum), canes] [Substituted by Act 1 of 1981 w.e.f. 23.2.1981.] and charcoal which is the property of the State Government or any sandalwood], or where any such property is produced before an authorised officer under sub-section (1) and he is satisfied that a forest offence has been committed in respect of such property,*



such authorised officer may, whether or not a prosecution is instituted for the commission of such forest offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence.

(3) (a) Where the authorised officer, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may, order the confiscated property or any part thereof to be sold by public auction.

(4) Where any confiscated property is sold, as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses relating thereto, shall where the order of confiscation made under section 71A is set aside or annulled by an order under sections 71C or 71D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.]

6.7. By referring to Section 71A, he submits that only property which is a property of State government or sandal wood which has been mentioned in Subsection (1) of Section 62 could be confiscated and the same would be an offence.

6.8. By referring to Subsection (2) of Section 71A, he submits that it is only if property belonging to the State government were seized, then a



forest offence can be said to have been committed and irrespective of whether prosecution is initiated in respect of the said offence, confiscation of the property so seized could be made. He reiterates that the logs which have been seized is not property of the State government. Therefore, the question of initiation of confiscation proceedings without an adjudication of the property being that of the State government would not arise. In this regard, he relies upon the decision of this court in **M.T.Joy, s/o Thomas -v- State of Karnataka**¹, more particularly paragraph 14, 15 and 16 thereof, which are reproduced hereunder for easy reference:

14. The provisions of Section 62 are applicable only when there is reason to believe that a forest offence has been committed in respect of any Forest produce. It is only then any Forest Officer or Police Officer may take action under Chapter IX.

Section 65 further provides that all timber or forest produce which is not the property of Government and in respect of which a forest offence has been

¹ ILR 1998 Kar 857



committed and all tools boats vehicle and cattle used in committing any forest offence shall subject to Section 71G be liable by order of the convicting Court to forfeiture to the State Government. There is a bar of jurisdiction in certain case of confiscation under Section 71G of the Act. The bar refers to the timber, ivory, firewood or charcoal belonging to the State Government or any sandalwood, together with any tool, rope, chain, boat, vehicle or cattle used in committing any offence is seized under sub-sec. (1) of Section 62, the authorised officer under Section 71A or the officer specially empowered under Section 71C or the Sessions Judge hearing an appeal under Section 71D, shall have and, notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 or in any other law for the time being in force any other officer, court, tribunal or authority shall not have, jurisdiction to make orders with regard to the custody, possession, delivery, disposal or distribution of such property. In other words, 71A comes into play only when the so called produce enumerated in Section Section 71G belongs to the State Government or if it is a sandalwood and not otherwise.

15. Section 71A empowers the authorised officer to pass an order of confiscation only where a forest offence is believed to have been committed in respect of timber, ivory, firewood and charcoal which is the property of the State Government or in respect of sandalwood. Hence, the authorised officer must be satisfied that a forest offence has been committed in respect of such property enumerated in Section 71A of the Act. A combined reading of Section 62, 65, 71G and 71A leaves no doubt that a forest offence has not been committed in respect of the property of the State Government.

16. Admittedly, the property seized is not sandalwood. The material produced clearly discloses that the property in question is blackwood or bite logs. The same was seized upon the information given by the owner of the estate from where the said bite trees were cut. The accused was found transporting bite logs from a private



land which was not for bona fide purpose. Therefore, the prosecution has failed to prove that the accused has committed an offence in respect of timber, ivory, firewood and charcoal which were the properties of the State Government or in respect of sandal wood. What was seized was bite or black wood. The evidence discloses that the accused was found transporting bite or black wood which were felled, from a private land which is the offence governed by Section 104-A of the Act which is only punishable with imprisonment. The provisions of the said Act do not enable any forest authority to confiscate the vehicle as such.

In view of this fact, the vehicle used for transporting such produce is not liable for confiscation under Section 71-A of the Act though the forest authority concerned has power to confiscate the blackwood as such for contravention of the provisions regulating the said product under the Act.

6.9. By relying on **M.T.Joy's case**, his submission is that Section 62 of the KFA would only apply when there is a reason to believe that a forest offence has been committed when the property seized is not sandalwood and while transporting it was for the prosecution to establish that the timber which had been seized were properties of the State government. In the present case, nothing having been established to that effect,



the entire proceedings including the finding of the District Court is required to be set aside.

7. Sri.Mahanthesh Shettar, learned AGA appearing for the State would support the order passed by District Court in Criminal Appeal No.52 of 2010 by making the following submissions:

- 7.1. The petitioner has not entered any defence by himself or through any witness except having cross-examined the prosecution witnesses. He refers to Section 80 of the KFA which is reproduced hereunder for easy reference:

80. Presumption that forest produce belongs to Government.

- When in any proceedings taken under this Act or in consequence of anything done under this Act or under any other law for the time being in force, a question arises as to whether any forest produce is the property of the State Government, such produce shall be presumed to be the property of the State Government until the contrary is proved, and in case of any prosecution the burden of proving the contrary shall lie on the accused.

- 7.2. By referring to Section 80, he submits that there is a presumption that a forest produce belongs to the government. The petitioner not



having established to the contrary except to contend that the logs were from the private property of Gopal Bhaira, no evidence of Gopal Bhaira and or his wife Sundari having been led, the petitioner has not rebutted the presumption under Section 80 and as such, he submits that the presumption continues to hold thereby making applicable Section 62 and 71 of the KFA.

7.3. He further submits that admittedly the land was granted to Gopal Bhaira under Section 94 of the Karnataka Land Revenue Act, 1964 [for brevity referred to as 'KLR Act']. His submission is that even if the land is granted and the land becomes a private property of the grantee namely Gopal Bhaira herein, any trees which are standing on the land granted shall continue to belong to the government and in this regard, he relies upon Section 94A(6)(c) of the KLR Act



which is reproduced hereunder for easy reference:

94A. Regularisation of certain cases of unauthorised occupation by constituting committee etc:

XXX

(6) Notwithstanding anything contained in the preceding sub-section,-

(c) the trees, if any, standing on the land granted and the granite in such land shall continue to belong to the Government, which may at its discretion be disposed off by it, in such manner as it may deem fit.

7.4. The grant of land being on account of unauthorised occupation of a government land, his submission is that the said trees standing on the land, unauthorisedly occupied, will continue to be the property of the State. He refers to Section 71B(2) of the KFA which is reproduced hereunder for easy reference:

71. Saving of power to release property seized:

71B. Issue of show cause notice before confiscation under section 71A.—



(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat, vehicle or cattle shall be made under section 71A if the owner of the tool, rope, chain, boat, vehicle or cattle proves to the satisfaction of the authorised officer that it was used in carrying the timber, sandalwood, charcoal, firewood 1 [gulmavu (Machilus marantha) bark, dalchini bark, Halmaddi (exudation of Ailantus malabriculum), canes]1 or ivory without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, rope, chain, boat, vehicle or cattle and that each of them had taken all reasonable and necessary precautions against such use.

7.5. By referring to Section 71B(2) his submission is that an order of confiscation could be passed in respect of any tool, rope, chain, boat, vehicle or cattle. What is confiscated in the present matter is the vehicle used for transport of the said logs, as regards which no fault can be found with since there was forest offence committed by the vehicle by transporting a forest produce without any licence or permission.

7.6. The petitioner himself driving the said vehicle the petitioner himself having pointed out from where the trees were transported his



submission is that there is a clear acceptance on the part of the petitioner of the offence which has been taken into consideration by the District Court.

7.7. His further submission is that when the vehicle was sought to be stopped, the petitioner who was driving the vehicle did not stop the same requiring the said vehicle to be chased which resulted in the accident of the vehicle and it is only thereafter that the seizure/confiscation was made. If at all the petitioner was transporting timber in a lawful manner, there was no need for the petitioner to run from the authorities which itself would indicate that an offence has been committed by the petitioner.

7.8. The timber which had been cut being cut from a land which had been granted on account of regularisation of unauthorised occupation - Section 94A(6)(c) of the KLR Act would be applicable. The said timber belonging to the



government could not have been cut and transported without permission. There being a presumption as regards the forest produce belonging to the State government, the said presumption not having been rebutted, the concerned officer having followed the applicable law, the District court has considered these aspects in the proper perspective and dismissed the appeal filed by the petitioner, which he submits cannot be faulted with and as such, his further submission is that the above writ petition is required to be dismissed.

8. Heard Sri.P.P.Hegde, learned Senior counsel appearing for the petitioner, Sri.Manthesh Shettar, learned Addl. Government Advocate for the respondents. Perused papers.
9. The points that would arise for consideration are:

1. Whether there is a presumption that a forest produce belongs to a State government and if so, whether the said presumption has been



successfully rebutted by the petitioner herein?

2. Whether the timber which has been cut is a property of the government requiring the application of Section 62, 71B(2) of the Karnataka Forest Act and Section 94A6(c) of the Karnataka Land Revenue Act?

3. Whether there are any grounds made out in the present matter for interference with the impugned order passed by the District Court in Criminal Appeal No.52 of 2010?

4. What order?

10. I answer the above points as under:

11. **ANSWER TO POINT No.1:** Whether there is a presumption that a forest produce belongs to a State government and if so, whether the said presumption has been successfully rebutted by the petitioner herein?

11.1. Section 80 of the KFA is reproduced hereunder:

80. Presumption that forest produce belongs to Government.— When in any proceedings taken under this Act or in consequence of anything done under this Act or under any other law for the time being in force, a question arises as to whether any forest produce is the property of the State Government, such produce shall be presumed to be the property of the State Government until the contrary is proved, and in case of any prosecution the burden of proving the contrary shall lie on the accused.



11.2. A perusal of the said provision would clearly indicate that any forest produce shall be presumed to be the property of the State government until the contrary is proved and in the case of any prosecution, the burden of proving the contrary shall lie on the accused. Section 80 imposes a negative burden of proof on the accused which is required to be so discharged by the accused. It is not in dispute that the logs are forest produce inasmuch as there are logs of trees which grow in the wild and or in forest.

11.3. The contention of the Sri.P.P.Hegde, learned Senior counsel for the petitioner is that there is a contradiction in the statement made by the prosecution as regards the location of the trees, on the one hand contending that the said trees are located in a private property of Gopal Bhaira and his wife Sundari, and on the other hand contending that the said logs were cut



from the forest adjoining the aforesaid land of Gopal Bhaira. Thirdly by invoking Section 94A(6)(c) of the KLR Act. The aspect of contradiction would enure to the benefit of the accused if the burden of proving the offence was on the prosecution.

11.4. In the present case as indicated by Section 80 of the KFA there is a presumption of the logs being forest produce and the burden of proving otherwise is on the accused, that is the petitioner herein. The Petitioner has not led any evidence of himself or of any other person but has only cross-examined the witnesses of the prosecution. It is the above contradiction which is sought to be contended to rebut the presumption under Section 80 and in that regard, the decision in **M.T. Joy's** case has been relied upon.

11.5. **M.T. Joy's** case did not refer to or make any reference to the presumption under Section 80.



What was in question before the Coordinate Bench of this court was different from what is to be considered by this court. In that view of the matter, the aspect of presumption not having been raised in M.T. Joy's case, the said decision would not be applicable to the present fact situation.

11.6. As indicated supra, there is nothing which has been placed on record by the petitioner-accused to rebut the presumption under Section 80.

11.7. **Thus, I answer point number one by holding that there is a presumption that a forest produce belongs to a State government and the said presumption has to be rebutted by the person against whom such an offence is alleged. In the present case the petitioner has not rebutted the said presumption.**



12. **ANSWER TO POINT No.2: Whether the timber which has been cut is a property of the government requiring the application of Section 62, 71B(2) of the Karnataka Forest Act and Section 94A(6)(c) of the Karnataka Land Revenue Act?**

12.1. A perusal of Section 62 of the KFA reproduced hereinabove would indicate that the concerned officer has the power to confiscate any forest produce together with all tools, boats, vehicles or cattle or any other property used in committing any such offence.

12.2. A perusal of Section 71B(2), which has been reproduced hereinabove would indicate that without prejudice to Subsection 71B(1), no order of confiscation could be passed if the owner were to establish that the transportation was being made without the knowledge or connivance of the owner. Section 71B(1) would indicate the manner in which confiscation could be made. The exception to 71B(1) being in terms of 71B(2) as indicated supra, the said



exception would not be applicable to the present case since the vehicle was driven by the owner himself that is the petitioner herein. It is not that the vehicle was let out, leased, etc., to any third party, it is the owner of the vehicle himself who was driving it, with the vehicle carrying the tree logs that is forest produce. Therefore, the owner cannot deny the knowledge of the transport of the logs while the owner was driving the pickup truck. It is also for this reason that the decision in **M.T. Joy's** case would not be applicable since that was a case where the owner had contended that he had no knowledge about the transportation and there had been a complaint filed as regard the truck having been missing.

12.3. Section 71A has been reproduced hereinabove, in terms whereof, the Authorized Officer can confiscate any property belonging to the government, more particularly the forest



produce. The powers under Section 71A and 71B, read in conjunction with Section 80 of the KFA, would indicate that there being a presumption of a forest produce belonging to the government, the Authorised Officer could confiscate the same unless the presumption is rebutted.

12.4. While confiscating the forest produce, the Authorised Officer could also confiscate the tools, rope, chain, boat, vehicle or cattle which had been used in carrying the timber, sand load, charcoal, firewood, etc. It not being in dispute that timber was being transported, same could be confiscated under Section 71B. Hence, the contention of Sri.P.P.Hegde, learned Senior counsel that the vehicle could not be confiscated, cannot be sustained.

12.5. One other contention of Sri.P.P.Hegde, learned Senior counsel is that the land from which the trees were allegedly cut, is the private property



of Gopal Bhaira and his wife Sundari. The Authorized Officer having written to the Revenue officer and secured records that the land had been granted to the said Gopal Bhaira, and his wife Sundari, on account of an application filed by them for regularization of their unauthorized occupation in terms of Section 94A(6)(c) of the KLR Act has been reproduced hereinabove, which would indicate that even if the land were to be granted and it becomes a private property of the grantee, the trees if any standing on the said land granted and, the grantee of such land shall continue to belong to the government. 94A(6)(c) of the KLR Act would have to be read in conjunction with Section 80 of the KFA to support the presumption of the forest produce belonging to the government.

12.6. Though Sri.P.P.Hegde, learned Senior counsel contends that the prosecution has not proved



as to whether the trees were standing before the date of grant, I am of the considered opinion that it was for the petitioner accused to have proved that there was no such trees standing in the land granted as on the date of grant since there is a negative burden of proof on the accused in terms of Section 80. It was therefore not for the prosecution to prove that there were trees standing on the land as on the date of grant, but it was for the accused to prove that there was no tree standing on the land as on the date of grant and or that the trees were planted subsequent to the date of grant forming the private property of the grantee since any tree standing on the property prior to the grant belongs to the State government in terms of the deeming fiction under Section 94A(6)(c) of the KLR Act.



- 12.7. **In that view of the matter, I answer point number 2 by holding that the timber which has been cut is from the land which was granted by way of regularising the unauthorised occupation is the property of the government requiring the application of Section 62, 71B(2) of the Karnataka Forest Act and Section 94A(6)(c) of the Karnataka Land Revenue Act.**
13. **ANSWER TO POINT NO.3: Whether there are any grounds made out in the present matter for interference with the impugned order passed by the District Court in Criminal Appeal No.52 of 2010?**
- 13.1. In view of my answer to points No.1 and 2 above, all these aspects having been considered by the District Court in Criminal Appeal No.52 of 2010 in a proper perspective, I do not find any grounds to interfere with the said order.



14. **ANSWER TO POINT NO.4:** What order?

No grounds being made out, the petition stands
dismissed.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

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List No.: 1 Sl No.: 48