

(2017) 03 KAR CK 0080

In the Karnataka High Court

Case No : Writ Petition No.7868 of 2017 (GM-For) and Writ Petition Nos. 7964 to 7967 of 2017 (GM-For)

Venkatesh Dasar

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 16-03-2017

Acts Referred:

Wild Life (Protection) Act, 1972 — Section 36A

Citation : (2017) 03 KAR CK 0080

Hon'ble Judges : Subhro Kamal Mukherjee, C.J. and Budihal R.B., J.

Bench : Division Bench

Advocate : Ashok Haranahalli, Sr. Counsel a/w Sri Ashith Raj, Advocate, for the Petitioner Nos.I and 2, Petitioner Nos. 3, 4, 5 and 6 are deleted vide Court order dated 16.3.2017); Madhusudan R. Naik, Advocate General a/w Sri V. Sreenidhi. AGA, for the Respondents

Final Decision : Disposed Off

Judgement

Subhro Kamal Mukherjee, C.J. - ORDERS ON LA.NO.II OF 2017. I.A.NO.III OF 2017. I.A.NO.IV OF 2017 AND I.A.NO.V OF 2017

Mr.Ashok Haranahalli, learned senior advocate appears and submits that the petitioner Nos.3, 4 , 5 and 6 are not willing to continue with this litigation.

Mr.Jayakumar.S.Patil, learned senior advocate represents them and submits that they are not interested about this litigation.

Permission is granted, to the learned advocate for the petitioners, to delete the descriptions of petitioners Nos.3, 4, 5 and 6 from the cause title of the memorandum of parties.

Liberty is granted to file the amended memorandum of parties, by two weeks.

Accordingly, the applications are allowed.

We make no order as to costs.

ORDER IN THE MAIN PETITIONS

2. By consent of the parties, we take up the matters for final hearing, although the matters are appearing under the head `Hearing-Interlocutory Application`.
3. The Government has decided to declare Kappatha Gudda forest area as Conservation Reserve and for the purpose of such declaration, the Government was required to hold a consultation in terms of Section 36A of Wildlife (Protection) Act, 1972.
4. A public notice was issued on January 7, 2017. It is on record that the petitioner Nos. 1 and 2 and some other persons have lodged their protests. It is for the authorities to take the decision.
5. Mr.Ashok Haranahalli, learned senior advocate appearing for the petitioner Nos.1 and 2 submits that as the areas have not been defined in the public notice, they could not file their proper objection.
6. Be that as it may, perusing the materials and also the averments made in the writ petitions by the petitioner Nos. 1 and 2, it is seen that they had also participated in the consultation meeting held on January 16, 2017. But still, it is their contention that they were not given an opportunity to express their views in the said meeting, though they waited for a long time on that day.
7. At this stage, we are not inclined to interfere with the matters to stall the process, as finality has not yet been reached.
8. The writ petitions stand disposed of. The Deputy Commissioner shall consider the representations that are filed by the petitioner Nos. 1 and 2, before sending the inputs to the Wildlife Board.
9. We make no order as to costs
10. In view of disposal of these Petitions, the pending I.A.No.1 of 2017 does not survive for consideration, and is therefore, dismissed.