

ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
GOVERNMENT OF KARNATAKA

ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳು,  
ಬಳ್ಳಾರಿ ವಿಭಾಗ, ಬಳ್ಳಾರಿ ರವರ ಕಛೇರಿ

Office of the  
Deputy Conservator of Forests  
Ballari Division, Ballari



ರೇಡಿಯೋ ಪಾರ್ಕ್, ಐಟಿಐ ಕಾಲೇಜ್ ಎದುರುಗಡೆ, ಕೆ.ಎ.  
ಮೈನಿ ಜೂ ಕಾಂಪೌಂಡ್, ಬಳ್ಳಾರಿ-583102  
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No.M1/MNG/CR-26/2009-10

Dated : 16.05.2024

To,

The Conservator of Forests,  
Ballari Circle, Ballari.

Sir,

**Sub :** Diversion of 6.35 ha (14.50 acres) of forest land in favour of Sri. D. Ramesh,  
Bellary, R.M. Block of Sandur North Range, Sandur taluk, Bellary District – reg.

- Ref:** 1) Letter No.4-KRC1223/2020-KAR/748 Dt.14.10.2020 of the Government of India  
2) letter No. KFD/HoFF/A5-1/(MNG)/65/2019-FC Dt.06.11.2020 of the Principal  
Chief  
Conservator of Forests (Forest Conservation), Bengaluru  
3) This office even number letter Dt. 20.02.2016 & 19.11.2020.  
4) Letter No. TA/ACF/B/Sri.D. Ramesh/2023-24 Dt. 13.06.2023 of the Assistant  
Conservator of Forests, Ballari Circle, Ballari.  
5) FC Proposal received through online on 19.04.2024.

\* \* \* \*

With Reference to the above subject, the Government of India has sought information regarding Diversion of 6.35 ha (14.50 acres) of forest land in favour of Sri. D. Ramesh, Bellary, R.M. Block of Sandur North Range, Sandur taluk, Bellary District vide letter under Ref(1). Further, the Principal Chief Conservator of Forests (Forest Conservation), Bangalore has directed the undersigned to submit a proper lease map with GPS co-ordinates for the reduced area as sought by Government of India vide letter under Ref(2).

In this regard, the undersigned has directed Range Forest officer, Sandur North Range, Sandur to submit a proper lease map with GPS co-ordinates for the reduced area vide letter under Ref(3). The same has been received from field officer vide letter under Ref(4).

Therefore, I am herewith submitting the proper lease map with GPS co-ordinates for the reduced area as sought by Government of India.

Further, the following facts are submitting herewith pertaining to this case for your kind perusal.

- The Govt. of India, Ministry of Mines has approved section-5(1) of the MMDR Act-1957 to grant of mining lease for iron ore over an area of 14.50 acres in Ramgad village, Sandur taluk, Bellary district in favour of Shri. D.Ramesh vide letter dtd.03-06-2008.
- Subsequently, Department of Commerce & Industries, Govt. of Karnataka granted in-principal approval for a period of 20 years over an extent of 14.59 acres.
- Subsequently, Shri D. Ramesh has applied for Forest clearance under Section-2 of Forest (Conservation), Act 1980 for diversion of Forest land to carryout Iron ore mining in Raman Malai Forest Block in Sandur North Range, over an extent of 6.35 ha (14.50 acres) vide online proposal No.FP/KA/MIN/5687/2015 dated : 30.09.2015.

- Shri D.Ramesh applied for mining lease over 14.50 acres in Survey Numbers 17 & 18 of Ramgad Village, Sandur Taluk. The land in question was shown as Revenue land and approvals from Government of India and Government of Karnataka were obtained.
- The Department of Commerce and Industries, GoK vide Notification No- CI.03.MMM.2005 dated 27/03/2008 excluded 37 patta lands with extent 93.18 hectares from the preview of Notification No-CI.03.MMM.1994 dated 15/03/2003, stating them to be private lands. The Notification No-CI.03.MMM.1994 dated 15/03/2003 was issued to call for mining application from public over an extent of 11,620-56 Sq. Kms. Under Rule 59 of Mineral Concession Rules, 1960 over government land.
- The exclusion of 37 patta lands with an extent of 93.18 hectares from the preview of Notification No- CI.03.MMM.1994 dated 15/03/2003 was done on the basis of NOC's issued by Revenue authorities. Stating these areas to be revenue private lands.
- However, these areas are forest lands. The Deputy Commissioner vide his letters dated 10-03-2008, 28-04-2008, 23-06-2008 to the Additional Registrar, Lokayukta; the Principal Secretary, Revenue Department & the Secretary, Dept. of Commerce & Industries Dept (Mines) respectively; has reported that only Sy. No 1,2,3 & 4 measuring 9 acres are authorized survey numbers in Ramgad village. And rest of the Sy. No from 5 to 35 in Ramgad village have been created un-authorized. Also he mentions that on verification of Grant register of Sandur taluk, it is found that there is no mention of Ramgad Village and hence the grant of survey No-5 to 35 is false and fictitious.
- The Deputy Commissioner vide his letters dated 23-03-2011 to the Director, Dept. of Mines & Geology & the Principal Secretary, Dept of Commerce & Industries, GOK withdraws the NOC issued by revenue department and recommend for cancellation of leases/approvals in these unauthorized survey number 5 to 35. The mining lease application of Shri D. Ramesh is recommended for cancellation by the same letter and revenue NOC issued is also withdrawn.
- After report of the Deputy Commissioner, the Department of Commerce and Industries has withdrawn the Notification issued on 27.03.2008 vide its Notification No CI-62, MMM-2011 dated : 19.03.2011 (copy enclosed). Stating that in respect of these Sy. No. 5 to 35 with an extent of 93.18 ha, "it appears that there are no reasonable grounds to believe that these 93.18 hectares of land in Ramgad village are non-forest lands".
- The Hon'ble Supreme Court of India in W.P. No.562/2009 has cancelled all the mining leases in above mentioned area. As these mines were granted inside forest area while erroneously showing them as located in revenue areas.
- As the application of D. Ramesh was processed showing it to be located on revenue private land and in-principle approval was granted on the basis of wrong NOC issued by revenue authorities. And now that NOC by revenue department stands withdrawn. Therefore, in-spirit of the Hon'ble Supreme Court orders in W.P. No.562/2009 and the application being fraudulent, the proposal of Shri D. Ramesh for diversion of forest land needs to be rejected.
- And, in respect of the ownership of land in Sy. No- 17 & 18 and lease being supposedly granted by Lady Superior, Good Sheperd Convent, Bellary to Shri D. Ramesh to apply for mining lease in Sy. No-17 & 18. The facts and developments are as follow:-
  - i. The Land in question has been Notified under Section-4 of Karnataka Forest Act vide Notification No- FFD-29-FAF-84, Bangalore, Dated 28-02-1985.
  - ii. The Deputy commissioner as the Forest Settlement officer has rejected the claim of (1) The Diocese of Bellary in Claim application No-FSO/RMB/344/2013-14 and

(2) Shri D. Ramesh in Claim application No-FSO/RMB/343/2013-14

In respect of the ownership over the land in Survey No- 17& 18 of Ramgad Village, stating that the survey numbers 5 and above are not authorized survey numbers as explained in the Deputy Commissioner order No- REV/LND/43/2008-09/dt. 16-05-2012.

iii. The claim of the Diocese of Bellary in respect of Survey No-17 &18 [claim application No-FSO/RMB/344/2013-14] was rejected by Forest Settlement officer(FSO), Bellary. The Diocese of Bellary has filed an appeal against the order of FSO (Appeal No-54/2015) in Karnataka Appellate Tribunal, Bengaluru. The KAT has issued an order to maintain 'Status-quo' in respect of land in Sy.No.17 & 18 of Ramgad Village in Appeal No.54/2015 vide its order dated:16-01-2015.

➤ As the Karnataka Appellate Tribunal, Bengaluru has ordered to maintain 'Status-quo', further processing of Forest diversion application of Shri D. Ramesh will amount to contempt of court and will be against the law.

➤ Also In respect of the diversion proposal submitted by Shri D. Ramesh the following are the observations: -

- a) After amendment in the MMDR Act 1957 in January 2015, the Department of Mines & geology has not issued any 'letter of intent' or 'approval letter' to process the application. Especially, in light of the withdrawal of revenue NOC and recommendation of the Deputy Commissioner to cancel the lease application. And also withdrawal of the Notification issued on 27.03.2008 vide its Notification No CI-62, MMM-2011 dated : 19.03.2011 by the Government. In this respect the undersigned has written to the Director of Mines and Geology, vide letter Dt. 20.02.2016 at ref(3), but reply is awaited.
- b) The map of proposed mining lease submitted online by Sri. D. Ramesh is not attested & authenticated by the Mines & Geology Department. Also, DGPS survey has not been conducted and DGPS reading map has not been prepared & submitted. Shri D. Ramesh has not given a authenticated sketch with DGPS reading, the proposal is incomplete.
- c) The applicant has not made any provisions in his proposal for the approach road to mining area for transportation of iron ore.
- d) It is noticed that, proposed area of Shri D. Ramesh is overlaps with the area of C category mines of Shri J.M. Vrushabendraiah (ML No.2173) and with the area of the Royal Rest House of SMIORE company.
- e) The Hon'ble Supreme Court in its W.P.No.562/2009 has finalized the lease boundaries of J.M. Vrushabendraiah Mining lease (ML No.2173). The area applied by Shri. D.Ramesh overlaps with the Vrushabendraiah Mining therefore the sketch of the proposed mining lease area needs to be modified and finalized by the Dept. of Mines & Geology. The CEC has not surveyed the proposed area and provided the DGPS reading. Also, as the applied area is overlapping with others this need to be corrected by the competent authority before the forest department can process the diversion proposal. The proposal is incomplete.

f) It is brought to your kind notice that Hon'ble High Court of Delhi, vide its Judgement dated 29.02.2024, has dismissed the Petition filed by M/s Arcelor Mittal India Pvt. Ltd. The Hon'ble High Court in the said Judgement has, inter-alia, observed as under:

*".....Limited protection under Section 10A(2)(c) of the MMDR Act was accorded to those applicants for a limited period and the same cannot be extended beyond the period of two years. The time period of two years is sacrosanct and therefore, any other interpretation to the contrary would be against the intent of the Legislature and detrimental to the auction regime and cannot be done away with. If the cases under Section 10A(2)(c) of MMDR Act are allowed as on date by this Court, then that will be unfavorable to the auction regime and will frustrate the very purpose of inserting Section 10A(2)(c) in the MMDR Act.*

*.....grant of mineral concession otherwise than through auction is akin to backdoor entry and detrimental to the auction regime. Further, the same would be unjust and unfair to those who have got the mining lease after competing and winning the bid in auction. Furthermore, revenue loss to the Government by grant of mining lease otherwise than through the mode prescribed under the MMDR Act, i.e. auction, cannot be ruled out. .... M.VI-11/39/2022-Mines VI-Part(1) I/3012358/2024*

*.....Saving of the application from ineligibility under the saving clause is not akin to grant of mining lease or perpetual eligibility for grant of mining lease despite not fulfilling the requisite conditions within the prescribed time period, i.e., on or before the final cut-off date of 11th January, 2017."*

In this regard, recently, the Ministry of Mines, the Government of India has issued guidelines vide letter No.11/39/2022 M. VI Dt.10.03.2024 and states that,

*"It may be noted that effective and early hearing and disposal of the cases would be in public interest as such areas would be put up for auction which would augment the mineral production in the country and also give additional revenue in the form of auction premium to the respective State Governments".*

In the light of above-mentioned facts and in the spirit of the Hon'ble Supreme Court order in WP No.562/2009 and in absence of any valid lease in favour of Sri. D. Ramesh, may be rejected.

This is submitted for your kind information.

Yours Faithfully,

Sd/-  
Deputy Conservator of Forests,  
Ballari Division, Ballari.

Copy Submitted to Principal Chief Conservator of Forests (FC), Bangalore for kind information.

Deputy Conservator of Forests,  
Ballari Division, Ballari. *AS*

*ರವಾನಿಸಲಾಗಿದೆ.*  
*29/05/24*  
*ಸಹಿ*