



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 31909 OF 2025 (GM-MM-S)

BETWEEN:

1. SRI N SHIVALINGAIAH
S/O LATE NINGAIAH
AGED ABOUT 70 YEARS
R/AT 115, 3RD CROSS
2ND 5TH BLOCK
NEAR KAMAKHYA THEATRE
RING ROAD, BANASHANKARI
3RD STAGE, BANGALORE SOUTH
BANGALORE - 560 085

...PETITIONER

(BY SRI MAHENDRA S.S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY (MINES)
DEPARTMENT OF COMMERCE
AND INDUSTRIES,
VIKAS SOUDHA, 1ST FLOOR
BENGALURU - 560 001

Digitally
signed by
VEERENDRA
KUMAR K M

Location:
High Court of
Karnataka



2. THE DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
49, KHANIJA BHAVAN
RACE COURSE ROAD
BENGALURU - 560 001

3. THE SENIOR GEOLOGIST
DEPARTMENT OF MINES & GEOLOGY
OFFICE OF THE SENIOR GEOLOGIST
KHANIJA BHAVANA, NO.CA 4C
VIVEKANANDA LAYOUT
MANDYA - 571 402

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION DIRECTING THE RESPONDENTS TO FORTHWITH EXECUTE THE BUILDING STONE QUARRY LEASE DEED IN RESPECT OF 2.00 ACRES OF GOVERNMENT GOMALA LAND IN SURVEY NO.308 AND 317 OF K.HONALAGERE VILLAGE, MADDUR TALUK, MANDYA DISTRICT, IN ACCORDANCE WITH GOVERNMENT ORDER NO.CI 364 MMN 2021 DATED 01/08/2022 (ANNEXURE-A), WITHOUT INSISTING UPON ANY FURTHER SURVEY NOT MANDATED BY LAW, AND BY DULY RECONSIDERING THE REPRESENTATIONS DATED 24/08/2023 AND 28/08/2025 SUBMITTED BY THE PETITIONER (ANNEXURES-B AND B1), WITHIN A TIME FRAME AS MAY BE FIXED BY THIS HON'BLE COURT & ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to forthwith execute the Building Stone Quarry Lease Deed in respect of 2-00 acres of Government Gomala land falling in Survey No.308 and 317 of K.Honalagere Village, Maddur Taluk, Mandya District in accordance with the Government order dated 01.08.2022, copy of which is annexed as annexure-A to the petition, without insisting for any further survey.

2. The petitioner had applied for a quarrying lease in the prescribed form [**Form-AQL**] in respect of building stone quarry lease on 02.01.2007 in respect of land measuring 2-00 acres falling in Survey Nos.308 and 317 on K.Honalagere Village, Maddur Taluk, Mandya District [**subject land**]. Thereafter on



26.10.2009, a joint inspection of the applied area was conducted by the Senior Geologist, Department of Mines and Geology, Mandya and the Assistant Conservator of Forests, Mandya Sub-Division for assessing the suitability for grant of quarry lease. Thereafter, on 09.07.2010, a no-objection certificate [**NOC**] was issued by the Assistant Commissioner, Mandya Sub-Division for grant of the quarry lease. On 07.05.2015, the Deputy Conservator of Forests recommended the grant of quarry lease subject to NOC from the Deputy Commissioner of Wildlife Division, Mysuru. The Deputy Commissioner, Mandya has accorded NOC for grant of quarry lease on 15/21.04.2016. After the petitioner had obtained all the necessary no objections, the Senior Geologist, Mandya issued technical clearance on 02.03.2019 and recommended grant of quarry lease. Following the same on 07.03.2019, the Competent Authority issued a notification in Form-GL sanctioning the grant of quarry lease in favour of the petitioner. Thereafter on 13.03.2020 a technical report in Form-S was prepared following GPS demarcations and a detailed inspection of the applied area.



3. It is not controverted that on 19.10.2022, a joint survey was also conducted by the officials of the Mining Department and the Revenue Department and a sketch of the applied area was prepared in the presence of the petitioner.

4. On 02.05.2023, the State Environment Impact Assessment Authority [SEIAA] granted environmental clearance [EC] for the proposed quarry operations and the Government of Karnataka accorded the approval for grant of the quarry lease in favour of the petitioner. Notwithstanding that necessary approvals had been obtained and the notification granting quarry lease had been issued, the quarry lease has not been executed. It is stated that the petitioner had also remitted the royalty and the environmental protection fees. He has also issued bank guarantees as required. Since the quarry lease has not been executed, the petitioner continued to pursue the concerned authorities.

5. On 03.10.2025, the Senior Geologist, Mandya had issued an endorsement stating that the execution of the lease was



pending receipt of the final survey report. In view of the said endorsement, the petitioner was constrained to file the present petition.

6. It is the petitioner's case that since the joint surveys had already taken place, the execution of the quarry lease could not be delayed for the said purpose.

7. The learned Additional Government Advocate submits that during the course of the present proceedings the joint survey was conducted on 10.11.2025. The joint survey report was placed on record on 01.12.2025. There is no dispute that the joint survey has confirmed the grant of the subject lease. The petitioner's prayer that the quarry lease deed be executed without a joint survey is now rendered academic.

8. However, the petitioner apprehends that execution of the quarry lease may be delayed. In this regard, we have enquired whether there are any other impediments in granting quarry lease and the response is in the negative. In view of the above, we direct that the concerned authorities shall complete the



necessary formalities within a period of four weeks from date.

The petition is disposed of in the aforesaid terms.

9. Pending applications shall stand disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

KMV
List No.: 2 Sl No.: 18