



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH 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. 38329 OF 2025 (GM-MM-S)

BETWEEN:

1. SRI KASHINATH
S/O. NAGAPPA KANKALE
AGED ABOUT 59 YEARS
OCC: BUSINESS AND
CLASS I CONTRACTOR
R/O. SECTOR NO. 63
NAVANAGAR
BAGALKOT - 587 103

...PETITIONER

(BY SRI SHIVALLI SHIVAYOGI YALLAPPAGOUDA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPTD., BY ITS SECRETARY
DEPT. OF COMMERCE AND INDUSTRIES
VIKAS SOUDHA
BENGALURU - 560 001
2. THE DIRECTOR
MINES & GEOLOGY DEPARTMENT
NO.49, KHANIJA BHAVAN
RACE COURSE ROAD
BENGALURU - 560 001

Digitally
signed by
AMBIKA H B
Location:
High Court
of Karnataka



3. THE DEPUTY DIRECTOR
DEPARTMENT OF MINES GEOLOGY
NO. 67, UNIT-02, NAVANAGAR
BAGALKOT - 587 104

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

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR DIRECTION, QUASHING THE FINAL NOTICE DATED 01-09-2025 ISSUED BY RESPONDENT NO. 3 AS BEING ARBITRARY, ERRONEOUS AND CONTRARY TO LAW, EQUITY AND JUSTICE (ANNEXURE-K) & 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. Issue notice. The learned Government Advocate accepts notice for the respondents.
2. With the consent of the learned counsel for the parties, the present petition has been finally heard.



3. The petitioner has filed the present petition, *inter alia*, impugning a final notice dated 01.09.2025 issued by respondent No.3 as being arbitrary, erroneous, and contrary to law. The petitioner also prays that directions be issued to respondent No.3 to consider petitioner's request for quarrying licence for extracting building stone in Survey Nos.248/3, 248/4, 248/5, 248/6, 248/2A/1 and 248/2A/2, aggregating an area of 8 acres and 32 guntas situated at Teggi Village, Bilagi Taluk, Bagalkot District [**subject land**].

4. The petitioner has filed an application in the prescribed form for grant of quarrying licence for extracting ordinary building stone from the subject land, on 15/17.04.2021. The petitioner claims to be the owner of the said land and also made an application for change of land use.

5. On 10.12.2021, the petitioner applied and secured quarrying licence for carrying on quarrying activities to the extent of 2 acres 12 guntas of land falling in Survey No.248/7. Thereafter, the petitioner states that the revenue and forest departments furnished their no objection certificates to the office of respondent No.3 communicating that they have no objection to grant the quarry



license. Although steps have been taken towards grant of quarry licence to the petitioner, the mining lease has not been granted as yet.

6. While the petitioner's application is pending, respondent No.3 has issued the impugned notice directing the petitioner to deposit a sum of ₹3,39,88,500/- as penalty for extracting and transporting ordinary building stone illegally from the applied area without obtaining the requisite license.

7. A plain reading of the impugned notice indicates that the demand has been raised on a finding that the petitioner had extracted and transported 97,110 metric tons of minerals without any quarrying licence

8. The impugned notice also records that notices were issued under Section 44 of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**]. The impugned notice refers to two notices dated 03.01.2024 and 21.11.2024. It is the petitioner's case that he has not received any of the said notices and has not been afforded any opportunity to respond to the allegations on the basis of which the final notice raising the demand of penalty is premised.



HC-KAR

**NC: 2025:KHC:54119-DB
WP No. 38329 of 2025**

9. The learned Additional Government Advocate fairly states that without entering into the controversy whether any notice had been served on the petitioner, this Court may permit the petitioner to treat the impugned notice as a show cause notice and furnish his response to the concerned authority.

10. The aforesaid contention merits acceptance.

11. In view of the above, the present petition is disposed of by directing the petitioner to treat the impugned notice as a show cause notice under Rule 44 of the KMMC Rules and furnish his response within a period of two weeks from date. The concerned authority shall consider the same and after affording the petitioner an opportunity of hearing, pass such orders as the authority (respondent No.3) considers apposite.

12. The petitioner is also at liberty to obtain a copy of the joint inspection report dated 16.02.2023 – which is referred to in the impugned notice from the office of respondent No.3 – within a period of one week from date.

13. We clarify that all rights and contentions of the parties are reserved.



14. The petition is disposed of in the aforesaid terms.

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

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

AHB
List No.: 2 SI No.: 6