



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 3848 OF 2022 (KLR-RES)

BETWEEN:

1. SRI GURUKRUPA STONE CRUSHERS
REPERSENTED BY ITS PROPRIETOR
SRI.B.GURUPRASAD
O/AT MASAGALLI
BHIMANAKATTE POST
HOSANAGAR TALUK
SHIVAMOGGA DISTRICT 577418.

...PETITIONER

(BY SRI: HARISH KUMAR M S, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY
PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
VIKASA SOUDHA
DR.B.R.AMBEDKAR VEEDHI
BENGALURU-560001.
2. THE REGIONAL COMMISSIONER
BANGALORE DIVISION
SECOND FLOOR
B.M.T.C. BUILDING
SHANTHINAGAR
BENGALURU-560027.

Digitally signed
by CHAYA S A
Location: HIGH
COURT OF
KARNATAKA



3. THE DEPUTY COMMISSIONER
SHIVAMOGGA DISTRICT
SHIVAMOGGA 577201.
4. THE ASSISTANT COMMISSIONER
SAGAR SUB-DIVISION
SAGAR-577401.
5. THE TAHSILDAR
HOSANAGARA TALUK
HOSANAGARA 577418.

...RESPONDENTS

(BY SRI: N SPOORTHY HEGDE, HCGP)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER OF RESPONDENT NO.3 DEPUTY COMMISSIONER DATED 2.8.2021 VIDE ANNEXURE-Q AND CONSEQUENTLY DATED 23.8.2021 ISSUED BY RESPONDENT NO.5 VIDE ANNEXURE-R; DIRECT RESPONDENT NO.3 TO EXECUTE THE REGISTERED GIFT DEED IN RESPECT OF THE LAND BEARING SY NO.16 MEASURING THREE ACRES OF MASAGALLI VILLAGE, AS PER THE PROPOSAL GIVEN BY THE ASSISTANT COMMISSIONER SAGAR SUB DIVISION SAGAR FOR A PERIOD OF 10 YEARS FORTHWITH.

THIS WP, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

In this petition, the petitioner is assailing the order dated 02.08.2021 (Annexure-Q) passed by respondent No.3 and Endorsement dated 23.08.2021 (Annexure-R) issued by



respondent No.5, *inter alia* sought for direction to respondent No.3 to execute the registered lease deed in respect of the subject land mentioned in the petition.

2. Heard Sri M S Harish Kumar, learned counsel appearing for the petitioner and Sri N Spoorthy Hegde, learned High Court Government Pleader for the respondents.

3. Learned counsel for the petitioner contended that, the petitioner is running a stone crusher unit in the private leased land bearing Sy.No.74 of Masagalli Village, Kasaba Hobli, Hosanagar Taluk for several years. Learned counsel argued that, the Deputy Commissioner as per order dated 16.01.2013 has accorded license for establishment of the stone crusher in Sy.No.16 of Masagalli Village for a period of three years, and thereafter, as per order dated 23.09.2020 the lease period was renewed for a period of twenty years in terms of the provisions contained under Karnataka Stone Crushers Regulation Act, 2020.

4. It is also argued by learned counsel appearing for the petitioner that, the land in question leased in favour of the



petitioner is to an extent of 1 acre 21 guntas in Sy.No.16 in a safer zone. However, the petitioner is in need of some more extent of land for storing the raw materials and also for finished materials, and therefore, as the adjacent land is belonging to the Government, the petitioner has made an application as per Annexure-B, seeking lease of the adjacent land for the aforementioned purposes. The said application was considered by respondent No.3 by letter dated 04.03.2021 and as such recommended for lease of the same and the said letter was addressed to respondent No.1 for further action in the matter. Thereafter, respondent No.1 by letter dated 24.03.2021 (Annexure-P), remanded the matter to respondent No.3 stating that the period of lease has not been mentioned as required under Rule 19(1)(3) of the Karnataka Land Grant Rules, 1969. Thereafter, respondent No.3 by letter dated 02.08.2021 at Annexure-Q has rejected the application made by the petitioner on frivolous reasons and therefore, the petitioner has presented this petition. Learned counsel appearing for the petitioner contented that the reasons assigned by respondent No.3 at the impugned order (Annexure-Q) needs to be interfered by this Court.



5. *Per contra*, learned High Court Government Pleader sought to defend the impugned order passed by respondent No.3 and reiterated the contentions made as per the statement of objections. Accordingly, sought for dismissal of the petition.

6. In light of the submissions made by learned counsel appearing for the parties, it is not in dispute that the petitioner is running the stone crusher unit having taken the relevant licence from the competent authority. The grievance of the petitioner is that, as the petitioner requires some more land on lease from the Government to place the raw materials, therefore, made an application and the said application was considered by respondent No.3 as per the letter dated 04.03.2021 (Annexure-N) and recommendation has been made for allotment of some more land in favour of the petitioner. However, the Government by letter dated 24.03.2021 (Annexure-P), remanded the matter to the Deputy Commissioner to specify the period of lease. The Government has not taken decision for rejection of the claim made by the petitioner.



7. In that view of the matter, I find force in the submission made by learned counsel appearing for the petitioner that the that respondent No.1 - State Government by letter dated 24.03.2021 has remanded the matter to respondent No.3 to specify the period of lease and therefore, it is the duty of respondent No.3 to respond to the same by specifying the period of lease to be granted in favour of the petitioner. Therefore, the impugned order dated 02.08.2021 (Annexure-Q) passed by respondent No.3 and the Endorsement dated 23.08.2021 (Annexure-R) issued by respondent No.5 requires to be set aside and the matter is to be remanded to respondent No.3 to take decision in the matter in terms of the observation made by the State Government in its letter dated 24.03.2021 for fixing the period of lease and to take decision in the matter.

8. Hence, I pass the following:

ORDER

(i) The Writ Petition is ***allowed.***



(ii) The order dated 02.08.2021 (Annexure-Q) passed by respondent No.3 and the Endorsement dated 23.08.2021 (Annexure-R) issued by respondent No.5 is accordingly set aside,

(iii) The matter is to be remanded to respondent No.3 to take decision in the matter by fixing the period of lease to be granted in favour of the petitioner, in accordance with law, within an outer limit of four months from the date of receipt of copy of this order.

(iv) Respondent No.3 shall take decision in the matter in accordance with the provisions contained under Karnataka Land Grant Rules, 1969.

**SD/-
(E.S.INDIRESH)
JUDGE**

BGN
List No.: 1 Sl No.: 64