



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 4195 OF 2026 (GM-MM-S)

BETWEEN:

1. C.R. SWAMY
S/O LATE C.P. RANGASWAMY
AGED ABOUT 60 YEARS
R/AT No.163, ANANDA NILAYA
8TH MAIN, 8TH CROSS
MALLESHWARAM
BANGALORE - 560 003

...PETITIONER

(BY SRI R.S. RAVI, SENIOR ADVOCATE A/W
SRI NARENDRA GOWDA, ADVOCATE)

AND:

1. THE PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
M.S. BUILDING
BANGALORE - 560 001
2. THE DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
BANGALORE - 560 001
3. THE DEPUTY DIRECTOR
ROOM No. S-3 AND S-3A
2ND FLOOR, ZILLA ADALITHA BHAVAN

Digitally
signed by
VEERENDRA
KUMAR K M
Location: High
Court of
Karnataka



KUMBARAHALLI
KOLAR - 563 103

...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 QUASHING CONDITION No.2 IN THE ORDER DATED 26.08.2025 MADE IN No. Ga Boo E/Ee Boo(Kolar) Ka Ga Gu/2025-26/3374 PASSED BY THE RESPONDENT No.3 VIDE ANNEXURE-E & 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*, impugning an endorsement dated 26.08.2025, issued by respondent No.3 to the extent that it has imposes a condition requiring the petitioner to dispose of the minor mineral by way of public auction.

2. The petitioner states that he had purchased a land measuring 1-00 acre falling in Sy.No.158/p30 of Balla Village, Avani Hobli, Mulabagilu Taluk, Kolar District, in the year 2004. Subsequently, in the year 2024, he purchased additional land



measuring 1 acre 5 guntas falling in Sy.No.158 of Balla village, Avani Hobli, Mulabagilu Taluk, Kolar District.

3. On 04.07.2025, the petitioner filed an application with the Deputy Director of Mines and Geology seeking permission to extract minor minerals from his *patta* land. He stated that he had found mounds of black granite, which were required to be removed before the land could be used for agricultural purposes. The respondents acceded to the petitioner's request and issued an endorsement dated 26.08.2025.

4. A plain reading of the said endorsement indicates that a site inspection was conducted, and the same revealed that there were stone spheres covering an area of approximately 950 square meters. The said stone spheres are less than 01 cu. mtrs. in size, and the estimated weight of the stones is approximately 1400 metric tons.

5. Although the permission to extract the said stone was granted to the petitioner, it was subject to certain conditions. One of the conditions requires the petitioner to prepare an inventory of the



minor mineral and dispose of the same through public auction. The petitioner is essentially aggrieved by the said condition.

6. The learned senior counsel for the petitioner assailed the said condition on two grounds. First, he submits that the said condition falls foul of Rule 3-A of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**]. And Second, that the impugned condition was contrary to Rule 35 of the KMMC Rules.

7. The learned counsel referred to the second proviso of Rule 3A(c) of the KMMC Rules and submitted that the petitioner was only required to pay a royalty for the minor mineral, and he is not required to dispose of the minor mineral in public auction.

8. Rule 3-A(c) of the KMMC Rules is set out below.

3-A. Exemption of certain rules in certain cases-

The following activities are exempted from obtaining Quarrying lease or license and from provisions of sub-rule (1-A) of Rule 8 and Chapter II-A, (except sand, specified minor mineral and 31 transfer minerals as specified vide Notification No. S.O. 423(E), dated 10-2-2015] namely.-

(a) ** ** ** **

(b) ** ** ** **

(c) removal or collection of lime shells (dead shells) available in coastal regulation zone by the traditional community through manual method for poultry feed and animal feed supplements:



Provided that, except sub-clauses (ii) and (iii) of clause (a) above, prior working permission shall be obtained from the jurisdictional Deputy Director or Senior Geologist before commencement of extraction of minor mineral and that removal of minor mineral shall be done within a period of twelve months of date of grant of permission:

Provided further that, the royalty, fee and District Mineral Foundation Trust Fund shall not be charged for the minor mineral extracted by landowner from his own land for meeting self-consumption. If the minor mineral is the remains after self-consumption or bona fide usage by the landowner with his own land or projects proponents from project sites and if he intends to sell the excess mineral, he shall pay royalty, fee for the mineral as specified in Schedule II-D, notified by the Government and District Mineral Foundation Trust Fund and transportation of the minor mineral shall be undertaken only with a valid Mineral Dispatch Permit within the working permission period:

Provided also that, the minor mineral excavated in project sites like Airports, Railways, National highway, State highway and industrial developmental areas or sites and utilised for self-consumption or commercial development or sell or dispose excess minor mineral by the project proponent shall pay in advance the royalty, fee for the mineral specified in Schedule II-D, notified by the Government and District Mineral Foundation Trust Fund for mineral so utilised or disposed within the working permission period.

Provided also that, Ministry of Railways and National Highways and National Highway Authorities shall be exempted from payment of royalty, additional payment and for obtaining mineral dispatch permit on the soil or silt or murram from tanks or lakes or ponds that are officially desilted under the Amrit Sarovar scheme."

9. A plain reading of the second proviso to Rule 3-A(c) indicates that the same is inapplicable in the present case. There is no averment in the present petition to the effect that the petitioner



proposes to extract the black granite stone for his own consumption. It is the petitioner's case that he requires the removal of the stone to make the land fit for agricultural purposes. Thus, the reliance placed on the second proviso to Rule 3-A(c) of the KMMC Rules is misplaced.

10. The second ground urged by the learned Senior Counsel for the petitioner is that the impugned condition falls foul of Rule 35 of the KMMC Rules. A plain reading of the said Rule indicates that it is applicable only to non-specified minor minerals in private land for domestic use. Admittedly, the mineral in question, i.e., black granite, is not a non-specified minor mineral.

11. In view of the above, the petitioner's challenge to the impugned condition is unsustainable. The present petition is unmerited and is, accordingly, dismissed.

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

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

KMV
List No.: 2 Sl No.: 8