



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 4986 OF 2026 (GM-MM-S)

BETWEEN:

1. JANARDHAN S M
AGED ABOUT 42 YEARS
R/AT NO.244, SHRIKANTA NAGAR
SHRAVANABELAGOLA VILLAGE
CHANNARAYAPATTAN - 573 135
HASSAN DISTRICT

...PETITIONER

(BY SRI. RAVEENDRA GAJANAN KOLLE., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY
BENGALURU - 560 001
2. THE DIRECTOR AND COMMISSIONER
DEPT. OF MINES AND GEOLOGY
KHANIJ BHAVAN
RACE COURSE ROAD, BENGALURU
BENGALURU - 560 001
3. THE JOINT DIRECTOR AND
REVISING AUTHORITY
SOUTH ZONE, 1ST D CROSS ROAD
'I' BLOCK, RAMAKRISHNA NAGARA
MYSURU - 570 022

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



4. THE SENIOR GEOLOGIST AND
COMPETENT AUTHORITY
DEPARTMENT OF MINES AND GEOLOGY
VIVEKANANDA NAGARA LAYOUT
MANDYA - 571 402

...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 MANDAMUS OR ANY OTHER ORDER OR DIRECTION DIRECTING THE 4TH RESPONDENT SENIOR GEOLOGIST AND COMPETENT AUTHORITY TO EXECUTE A QUARRY LEASE TO EXTRACT ORDINARY BUILDING STONES OVER AN AREA OF 02.00 ACRES IN SY.NO.138/P4 OF SATENAHALLI VILLAGE, NAGAMANGALA TALUKA, MANDYA DISTRICT, BY RECTIFYING THE ADMITTED TECHNICAL DISCREPANCY IN THE QUARRY LEASE AREA AS PROVIDED UNDER RULE 17(3) OF KMMC RULES, AND 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
as under:

- "a) Issue a writ of mandamus or any other order of direction directing the 4th respondent Senior Geologist & Competent Authority to Execute a Quarry Lease to extract Ordinary Building Stones over an area of 02.00 Acres in Sy.No.138/P4 of Satenahalli village, Nagamangala Taluk, Mandya District, by rectifying the admitted technical discrepancy in the quarry lease area as provided under Rule 17(3) of KMMC Rules; and/or
- b) Alternatively, issue a writ of mandamus or any other order or direction directing the 3rd respondent Joint Director to consider the proposal dated 23.10.2025 submitted by the 4th respondent Senior Geologist for exemption of Rule 15-A(1) produced at Annexure-N for the grant of Ordinary Building Stone Quarry Lease over an area of 01.19 acres in Sy.No.138/P4 of Satenahalli village, Nagamangala Taluka, Mandya District; and/or
- c) Pass any such other orders as this Hon'ble Court deems as fit and proper to meet the ends of justice."

2. The petitioner had applied for a quarry lease for the extraction of ordinary building stone in respect of an area measuring 2.00 acres of government *gomala* land, falling in Survey



No. 138/P4 of Satenahalli village, Nagamangala Taluk, Mandya District, on 30.04.2015.

3. After the relevant no objection certificates had been issued, respondent No.4 (Senior Geologist & Competent Authority) issued a notification dated 29.11.2017 granting the quarry lease in respect of the applied area of 2.00 acres in favour of the petitioner. Thereafter, on 19.12.2017, the petitioner submitted a quarry plan.

4. On 04.06.2018, the District Environmental Impact Assessment Authority, Mandya [**DEIAA**] issued the Environmental Clearance Certificate [**ECC**] for the granted area. However, since the lease was not executed within the specified period, respondent No.4 passed an order dated 20.06.2019, cancelling the grant.

5. The petitioner filed a Revision Petition (RP No.40/2019-20) before respondent No.3 under Rule 53 of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**], impugning the notification cancelling the grant.

6. The Revisional Authority (respondent No.3) passed an order dated 14.07.2023, allowing the said revision petition and holding that the delay in execution of the lease was for the reasons beyond



the control of the petitioner, however, despite the same the lease was not executed.

7. The learned counsel for the petitioner refers to the communication dated 23.10.2025, which indicates that a variation was noticed in the sketch submitted by the Junior Engineers and the Joint Survey Sketches. The said communication indicates that a joint survey was conducted on 17.05.2025, during which it was found that part of the applied area overlapped with the applied area of one Sri H.R. Paramesh, who had submitted an earlier application. It was found that only an area to the extent of 1.19 acres was available.

8. The learned counsel appearing for the petitioner is also willing to accept a lease for 1.19 acres, which can be granted if the area in question is declared as part of the cluster. He submits that a recommendation has been made to treat the area as part of a cluster. In the aforesaid context, the petitioner prays that directions be issued to the Joint Director to consider the proposal for exemption under Rule 15A(1) of the KMMC Rules for the grant of the quarry lease, which is available. Notably, the said exemption can be granted for mining clusters.



9. The learned AGA states that the petitioner's request was examined, and respondent No.4 has passed an order dated 15.11.2025, returning the proposal for the grant of mining rights to the petitioner with an instruction to re-examine the matter in accordance with the proviso to Rule 18(1) of the KMMC Rules.

10. The learned counsel for the petitioner submits that the said order is erroneous, as the petitioner's revision petition was allowed on 14.07.2023, after the KMMC Rules were amended. Thus, the question of the petitioner filing another revision application does not arise.

11. The learned AGA countered the aforesaid submission. He submitted that the issue is not the delay in executing the lease prior to 14.07.2023, but the delay that has occurred thereafter. He submits that, in view of the Karnataka Minor Mineral Concession (Amendment) Rules, 2024, the petitioner was required to file a revision petition once again, as the lease had not been executed within the specified period. We are not persuaded to accept the aforesaid contention in the given facts.



12. It is necessary to bear in mind that the petitioner succeeded in his revision petition and, therefore, the order dated 20.06.2019, cancelling the grant of a quarrying lease over an area of 2.00 acres of land in his favour, was set aside. Thus, the notification sanctioning the grant in favour of the petitioner continued to be operative. The documents on record indicate that the matter did not proceed further for execution of the lease in respect of 2.00 acres of land, as it was subsequently found that there was an overlap in the adjoining area and an area of only 1.19 acres was available for lease in favour of the petitioner. The quarry lease for 1.19 acres could not be executed, as the area was below the minimum threshold of 2.00 acres stipulated under Rule 15A of the KMMC. However, in terms of the proviso to Rule 15A, if an area falls in a cluster approach, then, for the reasons to be recorded in writing, a lease over an area which is less than the minimum area can be granted.

13. In the given facts, the only question that requires to be addressed by the concerned authority is whether an exemption under the proviso to Rule 15A(1) of the KMMC Rules is available in respect of the area in question. In other words, is the area in



question covered under the cluster approach as contemplated under the proviso to Rule 15A of the KMMC Rules.

14. In view of the above, we set aside the order dated 15.11.2025 and direct the concerned authorities to consider whether the lease for an area of 1.19 acres can be granted and executed in favour of the petitioner, uninfluenced by the question of delay.

15. We also clarify that if any other NOCs or approvals are required and deemed necessary, this order will not absolve the parties from securing them. We also request the concerned authorities to take a decision as expeditiously as possible, preferably within a period of three weeks from date.

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

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

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

KMV
List No.: 2 SI No.: 13