



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD 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. 6670 OF 2026 (GM-MM-S)

BETWEEN:

1. SHRI HEMAGIRISH
S/O GURUPADAPPA HAVINAL
AGE: 48 YEARS
OCC: BUSINESS
R/O. HEMAREDDY MALLAMMA NAGAR
MUNDARGI, DIST.- GADAG
PIN - 582 118

...PETITIONER

(BY SRI VILAS RANGANATH DATAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN
NO. 49, 4TH FLOOR
RACE COURSE ROAD
BENGALURU - 560 001
REPRESENTED BY IT'S SECRETARY
2. THE DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN
NO. 49, 5TH FLOOR
RACE COURSE ROAD
BENGALURU - 560 001

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



3. THE CHAIRMAN
GADAG DISTRICT SAND
MONITORING COMMITTEE
OFFICE OF
THE DEPUTY COMMISSIONER - GADAG
GADAG - 582 101
4. THE SENIOR GEOLOGIST
SECRETARY TO GADAG DISTRICT
SAND MONITORING COMMITTEE
OFFICE OF
THE DEPARTMENT OF MINES AND GEOLOGY
GADAG - 582 101
5. THE ADDITIONAL CHIEF SECRETARY
DEPARTMENT OF ECOLOGY
ENVIRONMENT AND FOREST
GOVERNMENT OF KARNATAKA
7TH FLOOR, M.S. BUILDING
DR. B.R.AMBEDKAR VEEDHI
BENGALURU - 560 001
6. THE STATE ENVIRONMENTAL
APPRAISAL COMMITTEE
DEPARTMENT OF ECOLOGY
ENVIRONMENT AND FOREST
BY ITS SECRETARY
7TH FLOOR, M.S. BUILDING
DR. B.R. AMBEDKAR VEEDHI
BENGALURU - 560 001
7. DEPUTY CONSERVATOR OF FORESTS
GADAG DIVISION
BINKADAKATTI
N.H.63, BELLARY HUBBALLI ROAD
GADAG -BETAGIRI - 582 103

...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 CALL FOR RECORDS FROM THE RESPONDENTS AND ON PERUSAL OF THE SAME BE PLEASED TO QUASH THE ENDORSEMENT No. DMG/SG/GDM: KGG-2025-26/1228 DATED 03.09.2025 VIDE



ANNEXURE T AND CONSEQUENTLY ISSUANCE OF FRESH TENDERS FOR BLOCK No. KORLAHALLI No. 1, BLOCK No. KORLAHALLI No. 2 AND BLOCK No. 1 NAGARAHALLI 01 ISSUED ON 06.02.2026 VIDE ANNEXURE-U, ANNEXURE-V AND ANNEXURE-W QUASHING THE SAME BY ISSUING A WRIT OF CERTIORARI OR WRIT ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT ORDER OR DIRECTION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA.

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 03.09.2025. The petitioner further prays that directions be issued to the respondents to permit the petitioner to carry on sand mining for the next five years. The petitioner also challenges the issuance of notices calling for fresh tenders for disposal of sand blocks named, Korlahalli-01, Korlahalli-02 and Nagarahalli-01, which were issued on 06.02.2026.

2. The present petition is premised on the claim that the petitioner is entitled to carry on sand mining activities for a period of



five years from the date of obtaining the necessary environmental clearances.

3. The present case has a chequered history. In November 2016, the Gadag District Sand Mining Committee issued a tender notification inviting bids to assign sand mining licences for various sand blocks on the Tungabhadra river bed in the District of Gadag. The petitioner had furnished his bid pursuant to the said notification. In February 2017, the petitioner was held to be ineligible, and his tender was rejected. The petitioner challenged his rejection in a writ petition, being W.P.No.101978/2017 (GM-TEN). An interim order was passed in the said petition permitting the petitioner to participate in the bidding process. It is material to note that the petitioner had applied for sand mining rights in respect of 16 blocks, including the blocks in question namely, Nagarahalli Block, Korlahalli-01 and Korlahalli-02.

4. The Karnataka Minor Mineral Concession Rules, 1994 [**the KMMC Rules**] were amended with effect from 12.08.2016. The State of Karnataka had issued Guidelines dated 18.11.2016 providing for procedure for disposal of sand blocks through tender-cum-auction. The petitioner had, accordingly, participated in the



auction for 15/16 blocks and claimed that the petitioner's bidding in Korlahalli-01, Korlahalli-02 and Nagarahalli sand mining blocks were the highest. The petitioner states that despite being the highest bidder, the licences for sand mining in respect of the said blocks were not issued to the petitioner. This led the petitioner to challenge the same in a writ petition, W.P. No. 29176/2017. While the said petition was pending, the petitioner was granted provisional/ temporary acceptance letters dated 30.03.2019. The said letters of acceptance were issued in terms of Section 31-T (10) of the KMMC Rules, as amended in 2016. It was expressly stated in the said letters that the same were subject to the final judgment passed in Writ Petition No.29176/2017, preferred by the petitioner. Subsequently, the petitioner was also issued letters of intent dated 18.04.2019 setting out the conditions subject to which the mining licence was granted. The same included approval of the quarry plan.

5. It is the petitioner's case that he could not carry on mining activities as the necessary clearances were not issued. The petitioner states that the environmental clearance was not issued for the reason that the sand blocks fell within the Eco-Sensitive



Zone [ESZ] of the Kapathagudda Wildlife Sanctuary. He submits that at the material time, the concerned officials assumed that the ESZ extended to 10 kilometres from the boundaries of the Kappathagudda Wildlife Sanctuary. This was premised perhaps on a misreading of the order dated 11.12.2018 passed by the Supreme Court in **T. N. Godavarman Thirumulpad v. Union of India**¹. However, subsequently, the Supreme Court clarified that the Court had not provided any straitjacket formula for every wild life sanctuary.

6. Thereafter, a notification dated 04.06.2025 was issued setting out the ESZ, which extended from 1 km to 4.30 kms. from the boundaries of the Kappathagudda Wildlife Sanctuary. The petitioner submits that since the sand blocks in question fell outside the ESZ, he is entitled to conduct the mining activities.

7. The petitioner seeks that he be granted the licence to conduct sand mining in the three sand blocks in question. However, the licence granted to the petitioner had been cancelled

¹ W.P (Civil) No.202/1995



pursuant to the Sand Management Committee's decision taken at a meeting held on 12.08.2025.

8. Admittedly, the petitioner did not obtain environmental clearance for carrying on the mining activity. The tender conditions pursuant to which the petitioner submitted his bid also specifically provided that the bidder was required to obtain all necessary clearances within three months and to operationalise the quarrying within four months. The District Sand Committee could extend this period by up to nine months.

9. Clause 10 of the said conditions is set out below:

"10 GESTATION/MORATORIUM PERIOD:

The successful bidder E-Auction shall formally obtain all necessary clearances like Environmental Clearance (EC) within a period of three months and operationalize the quarrying within a period of four months.

In case lessee is unable to get the **Environmental Clearance (EC)** within the stipulated time due to reasons beyond his control such period may be extended to six months and nine months respectively by the District Sand Committee."

10. Undisputedly, the petitioner has not obtained the environmental clearance within the period as specified. Almost



seven years have elapsed since the letters of intent and provisional letters of acceptance were issued. It is material to note that the licences were proposed to be issued for a term of five years. The petitioner cannot now insist on the grant of a mining licence for a period of five years commencing from the date.

11. In the given circumstances, the respondents have rightly held that there is no provision for extending the temporary licence granted to the petitioner.

12. In view of the above, we find no merit in the present petition. The same is dismissed.

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

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