



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 101640 OF 2025

BETWEEN:

SURESH
S/O MALLIKARJUN MADLI
AGED ABOUT 55 YEARS
OCC AGRICULTURE
R/O HEBBALLI TAL BADAMI
DISTRICT BAGALKOT 587101

...PETITIONER

(BY SRI. KULKARNI MURALIDHAR LAXMANRAO, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY DEPUTY COMMISSIONER
GADAG DISTRICT
GADAG 582 101
2. THE SENIOR GEOLOGIST (MINES)
DEPARTMENT OF MINES AND GEOLOGY,
DISTRICT ADMINISTRATIVE COMPLEX,
GADAG-582101

...RESPONDENTS

(BY SMT NILOUFER AKBAR, AGA FOR R1 & R2)

Digitally
signed by
NIRMALA
DEVI
Location:
HIGH
COURT OF
KARNATAKA



THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO A WRIT OF CERTIORARI BE PASSED BY QUASHING THE IMPUGNED NOTICE AS PER ANNEXURE-E BEARING NO. HIBHUVI/GABHUE/GADAG/KAGAGU/2024-25/2384 DATED. 12.12.2024 BY RESPONDENT NO. 2, IN THE INTEREST OF JUSTICE AND EQUITY.

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 impugning a notice dated 12.12.2024, whereby respondent No.2 issued the said notice imposing a fine equivalent to five times the royalty quantified at Rs.64,56,000/- and in addition, a fine of Rs.25,000/- for violation in term of proviso to Rule 6(3) of the Karnataka Minor Mineral Concession Rules, 1994 [**Rules**].

2. In the said notice the following violations were found:

- 1) Non installation of information board in sand mining license area.
- 2) Establishment of border posts.



- 3) Establishment of permit distribution shed.
- 4) Installation of road bridge.
- 5) The CC camera is not in good condition.
- 6) Mining of sand using boats in the sand mining license area.
- 7) Encroached outside the licensed sand mining area, extracted and transported the sand worth 16140 Metric Tonnes.

3. Pursuant to the inspection, a report was submitted recommending imposition of fine for mining/transportation outside the sand mining licenced area in violation of Rule 42(1) of the Rules, which are punishable under Rule 44(4) of the Rules. The petitioner was called upon to explain why the penalty equivalent to five times the royalty quantified at Rs.64,56,000/- should not be imposed in accordance with Rule 44(4) of the Rules and why an additional fine of Rs.25,000/- not be imposed as per Rule 6(3) of the Rules. The petitioner furnished his explanation which were summarily rejected as "not proper".

4. It is contended on behalf of the petitioner that the provisions of Rule 6(3) of the Rules were not followed for imposition of fine. Rule 6(3) of the said Rules are reproduced below:



6. General conditions of quarrying lease and licence-

xxx

(3) In case of breach by the lessee or licensee or his transferee or assignees of any of the conditions specified in these rules or in the quarrying lease deed or licence, the Competent Authority shall require by notice in writing the lessee or licensee to remedy the breach within thirty days from the date of notice and if the breach is not remedied within such period the Competent Authority may levy a fine not exceeding ten thousand rupees in the case of non-specified minor minerals and fifty thousand rupees in case of specified minor minerals and the Competent Authority may without prejudice to any other action that may be taken against such lessee licensee, transferee or assignee determine the lease or licence after providing an opportunity of being heard.

5. A plain reading of the said Rule indicates that a licensee is required to be issued a notice to remedy the breach and in the event, the same is not remedied within a period of thirty days from the said date, a fine of Rs.25,000/- in case of a non specified minor mineral may be imposed.



6. Concededly, in the present case no notice had been issued to the petitioner calling upon him to remedy the alleged breach found during the inspection.

7. The learned Additional Government Advocate readily concedes that the penalty under Rule 44(4) of the Rules could not be imposed by the concerned officer as the penalty required to be imposed is a punitive measure, which is required to be imposed by a competent Court trying the offence which is punishable under Rule 44 of the Rules.

8. The petitioner further submits that a complaint (PCR No.52/2025) is already filed in the Court of Civil Judge and Judicial Magistrate I Class, Naragund and proceedings for imposing punishment for the offence punishable under Rule 42(1) and 44(1) of the Rules has been initiated.

9. In view of the above, the present petition is allowed and the impugned notice is set aside. However, this would not preclude the concerned authorities from issuing a fresh notice in accordance with Rule 6(3) of the Rules for imposition of fine and in the event,



the violation of the conditions are not addressed, the authorities may impose a fine as provided in the said Rule.

10. We also state that the proceedings initiated pursuant to PCR No.52/2025 shall proceed uninfluenced by any observations made in this order. Additionally, the concerned authorities are not prevented from taking such action, which they consider it apposite in accordance with law.

11. Pending IAs., if any, stand disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C.M. POONACHA)
JUDGE

ND
List No.: 1 SI No.: 3