



NC: 2026:KHC:37624-DB
WP No. 9097 of 2026

CNR: KAHC010205522026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO. 9097 OF 2026 (GM-MM-S)

BETWEEN:

1. M.N. SATHISH
S/O. LATE N. MUNIYAPPA
AGED ABOUT 61 YEARS
R/AT. NO.332, 14TH CROSS
2ND BLOCK, R.T.NAGAR
BENGALURU

...PETITIONER

(BY SRI MAHENDRA S.S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPLE SECRETARY (MINES)
DEPARTMENT OF COMMERCE AND INDUSTRIES
VIKAS SOUDHA, 1ST FLOOR
BENGALURU - 560 001
2. THE DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN
RACE COURSE ROAD
BENGALURU - 560 001
3. JOINT DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY

Digitally
signed by
SRIDHAR S
Location:
High Court
of Karnataka



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SOUTHERN ZONE
SARASWATHIPURAM
MYSORE - 570 001

4. THE DEPUTY DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
ROOM NO SA-10, 2ND FLOOR
JILLADALITHA BHAVAN
PATHRENAHALLI
SIDLAGATTA ROAD
CHIKKABALAPURA - 562 101

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE ENDORSEMENT DATED 13/08/2025 ISSUED BY THE COMPETENT AUTHORITY, PRODUCED AS ANNEXURE-A & 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 MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition impugning an endorsement [**impugned endorsement**] dated 13.08.2025 passed by the Deputy Director, Department of Mines and Geology [**the competent authority**]. The competent authority rejected the



petitioner's representation for deemed extension of a building stone quarry lease for a period of 30 years on the ground that the said lease had expired on 12.09.2009 and the renewal application was not filed within the stipulated time. The petitioner also impugns an order dated 19.12.2025 [**impugned order**] passed by the Revisional Authority rejecting the petitioner's revision application under Rule 53 of the Karnataka Minor Mineral (Concession) Rules, 1994 [hereafter **KMMC Rules**].

2. Briefly stated the relevant facts necessary to address the controversy are that the petitioner was granted a quarry lease for extraction of building stone over an area of 4 acres and 20 guntas in Survey No.116, Gollahalli Village, Kasaba Hobli, Chikkaballapur Taluk. The said quarry lease (QL 523) was for a period of five years from 13.09.2004 to 12.09.2008. The petitioner did not file an application for renewal of the lease within the stipulated period of ninety days prior to the expiry of QL 523. He filed the said application on 13.01.2012, which was more than 3 years after the lease had expired. The Senior Geologist rejected the said renewal application by a communication dated 10.02.2012 on the ground it



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was filed beyond the period prescribed under Rule 21 of the KMMC Rules.

3. The petitioner did not take any immediate steps thereafter and apparently accepted the said rejection.

4. The KMMC Rules were amended by the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 [**2016 Amendment Rules**] and subsequently by the Karnataka Minor Mineral Concession (Amendment) Rules, 2023 [**2023 Amendment Rules**].

5. Rule 8A(2) of the KMMC Rules as amended by the 2023 Amendment Rules, with effect from 17.03.2023, provides that all quarry leases granted before the commencement of the 2016 Amendment Rules are deemed to have been granted for a period of 50 years in respect of specified minor minerals and 30 years in respect of non-specified minor minerals from the date of the original grant.

6. The 2023 Amendment Rules came into force on 17.03.2023. Thereafter, the petitioner filed representations dated 12.08.2025 and 29.08.2025 with the competent authority, praying that the



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benefit of the amended provisions of the KMMC Rules be extended to the petitioner and that the quarry lease, QL 523, be deemed to be extended for a period of 30 years. The said representation was rejected by the impugned endorsement and the revision preferred was also dismissed by the impugned order.

7. The counsel appearing for the petitioner submitted that, by virtue of the second proviso to Rule 8A(2) of the KMMC Rules, the leases granted before 12.08.2016 and expired before the commencement of the 2023 Amendment Rules are also required to be considered for extension under the KMMC Rules as amended.

8. The limited question to be addressed is whether the quarry lease that had long since expired would stand revived by virtue of Rule 8A(2) of the KMMC Rules as amended with effect from 17.03.2023.

9. It is relevant to refer to Rule 8A(2) of the KMMC Rules as amended by virtue of 2023 Amendment Rules. The same is set out below:

"8-A(2) All the quarrying leases or licenses granted before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016,



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shall be deemed to have been granted for a period of fifty years in respect of specified minor minerals and for a period of thirty years in respect of non-specified minor minerals from the date of its original grant, subject to establishment of mineral availability and workability of the quarry and also subject to the condition that all the terms and conditions of the lease or licenses have been complied by the lessee or licensee ³[and also subject to the condition that renewal application for the expired lease had been made by the lessee within stipulated time]:

Provided that, the mining leases of the minerals which are classified as minor minerals by the Central Government vide Notification No. S.O. 423(E), dated 10-2-2015 shall be deemed to have been granted for fifty years, for an area already granted under such lease and be considered as quarrying lease or licence as the case may be, subject to establishment of mineral availability and workability of the quarry and also subject to the condition that all the terms and conditions of the lease have been complied by the lessee or licence:

Provided further that, the quarry lease or licence which are granted before 12-8-2016 and the period of such lease or licence expired before commencement of these rules shall be considered for extension of period under the provisions of this rule."

10. Rule 8A(2) of the KMMC Rules was further amended with effect from 02.01.2025 and the words "and also subject to the condition that renewal application for the expired lease had been made by the lessee within stipulated time" were added at the end of the main rule. Rule 8A(2) of the KMMC Rules as currently in force reads as under:

"8-A(2) All the quarrying leases or licenses granted before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, shall be deemed to have been granted for a period of fifty years



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in respect of specified minor minerals and for a period of thirty years in respect of non-specified minor minerals from the date of its original grant, subject to establishment of mineral availability and workability of the quarry and also subject to the condition that all the terms and conditions of the lease or licenses have been complied by the lessee or licensee and also subject to the condition that renewal application for the expired lease had been made by the lessee within stipulated time:

Provided that, the mining leases of the minerals which are classified as minor minerals by the Central Government vide Notification No. S.O. 423(E), dated 10-2-2015 shall be deemed to have been granted for fifty years, for an area already granted under such lease and be considered as quarrying lease or licence as the case may be, subject to establishment of mineral availability and workability of the quarry and also subject to the condition that all the terms and conditions of the lease have been complied by the lessee or licence:

Provided further that, the quarry lease or licence which are granted before 12-8-2016 and the period of such lease or licence expired before commencement of these rules shall be considered for extension of period under the provisions of this rule."

11. The second proviso to Rule 8A(2) of the KMMC Rules provides that the quarry lease or licence granted prior to 12.08.2016 could also be considered for extension notwithstanding that the said lease or licence had expired before the commencement of the 2023 Amendment Rules. However, in our view, the said proviso would not resuscitate all expired leases granted either for 50 years or 30 years, as the case may be, prior



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to the 2023 Amendment Rules coming into force. The second proviso must be read in the context of Rule 8A(2) of the KMMC Rules.

12. Sub-rule (2) of Rule 8A was also amended by the notification dated 30.12.2024 with effect from 02.01.2025, and it was expressly provided that the deemed extension would be subject to the condition that the renewal application for the expired lease was made within the stipulated period. The second proviso of Rule 8A(2) of the KMMC Rules has to be read harmoniously with the main sub-rule (2) of Rule 8A and not in conflict with the said Rule. As observed by the Supreme Court in the case of **Dwarka Prasad v. Dwarka Das Saraf**,¹ A proviso ordinarily is but a proviso, although the golden rule is to read the whole section, inclusive of the proviso, in such manner that they mutually throw light on each other and result in a harmonious construction.

13. It is also necessary to bear in mind the legislative history of the Rules for understanding the scope of the second proviso. The 2016 Amendment Rules introduced the grant of quarry leases by

¹ (1976) 1 SCC 12



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auction, and certain applications for which 'no objections' from the concerned authorities had not been secured lapsed. The effect of the second proviso of sub-rule (2) of Rule 8A of the KMMC Rules was also extended to such leases and licenses, which could not be renewed on account of the KMMC Rules being amended or where other proceedings were pending. The import of the second proviso was not to revive grants in respect of leases that had run their course.

14. The effect of second proviso is not to revive expired or dead leases, but only to extend the term of the lease which are live, or where the process of renewal is pending. The proviso must be read in that context to ensure that expired leases where the process of renewal is pending, or where the time period for commencing the same has not yet expired, are also safe.

15. The amendment to Rule 8A(2)² of the KMMC Rules, which came into force with effect from 02.01.2025, clarified the rule beyond any pale of doubt.

² By notification C-IMMN/48.2024 dated 30.12.2024



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16. The said question is also covered by our earlier decision in **G.K. Basavaraju v. State of Karnataka³**.

17. In view of the above, we find no grounds to set aside the endorsement dated 13.08.2025 or the impugned order dated 19.12.2025 rejecting the revision against the impugned endorsement.

18. The petition is, accordingly, dismissed.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

sd
List No.: 2 SI No.: 13

³ NC : 2025:KHC:28411-DB.