



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7<sup>TH</sup> 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. 13750 OF 2022 (GM-MM-S)

**BETWEEN:**

1. SRI D. SHAM  
S/O DEVAPPA  
AGED ABOUT 49 YEARS  
RESIDING AT NO.32  
5<sup>TH</sup> STAGE, 3<sup>RD</sup> MAIN, 3<sup>RD</sup> CROSS  
BEML LAYOUT, R.R. NAGAR  
BENGALURU - 560 098

...PETITIONER

(BY SRI VIKRAM HUILGOL, SENIOR ADVOCATE A/W  
SRI RAJESH G. BHAT, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
DEPARTMENT OF COMMERCE AND INDUSTRIES  
REPRESENTED BY ITS SECRETARY  
VIKASA SOUDHA  
BENGALURU - 560 001
2. THE DIRECTOR OF MINES AND GEOLOGY  
KHANIJA BHAVAN  
RACE COURSE ROAD  
BENGALURU - 560 001
3. THE JOINT DIRECTOR OF MINES & GEOLOGY  
SOUTH DIVISION  
MYSORE - 570 008

Digitally  
signed by  
NIRMALA  
DEVI

Location:  
High Court  
of Karnataka



4. THE DEPUTY DIRECTOR  
MINES & GEOLOGY  
TUMKUR - 572 104
5. THE SENIOR GEOLOGIST  
BENGALURU URBAN DISTRICT  
13<sup>TH</sup> FLOOR  
VISWESWARAIAH TOWER  
DR. AMBEDKAR ROAD  
BENGALURU - 560 001
6. SRI M.R. LAKSHMANAPPA  
AGED ABOUT 72 YEARS  
S/O LATE RAMAIAH  
SINCE DECEASED REPRESENTED  
BY HIS LR
- 6(a) LAKSHMI NARAYANA SWAMY M.L.  
S/O. LATE LAKSHMANAPPA  
AGED ABOUT 37 YEARS  
R/AT No.138, SRINIKETHAN  
7<sup>TH</sup> MAIN ROAD  
RAILWAY LAYOUT  
ULLAL, BENGALURU - 560 056

**(IMPLEADED AS PER COURT ORDER DATED  
17.03.2025)**

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1 TO 5 &  
SRI N.K. RAMESH, ADVOCATE FOR R-6(a))

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER OR DIRECTION TO QUASH THE IMPUGNED ORDER DATED 19/11/2021 IN R.P.NO.47/2017 BEARING NO.DMG/JDM/REVISION:2021-22 ORDER/1136 PASSED BY THE RESPONDENT NO.3 AS FOUND AT ANNEXURE-AC & 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:

"To issue a writ of certiorari or any other writ or order or direction to quash the impugned order dated 19.11.2021 in R.P No.47 of 2017 bearing No.DMG/JDM/Revision:2021-22 order/1136 passed by the respondent No.3 as found at Annexure-AC"

2. The facts in a nutshell leading to the present petition are that pursuant to the notification dated 09.01.2012 calling for applications for grant of quarry lease in respect of 2 acres (previous quarry lease No.422) and 6 acres 20 guntas (previous quarry lease No.25), both situated in Sy.No.29 of Huluvenahalli village, Bengaluru South Taluk, Bengaluru Urban District. The petitioner made an application dated 08.02.2012 for mining building stones – a non specified minor mineral – over the area measuring 6 acres 20 guntas of Sy. No 29. It is pertinent to state that the said area applied for by the petitioner



was previously leased to respondent No.6 and since the lease had expired, the said area was made available for grant. The present dispute pertains to the extent of said 6 acres 20 guntas situated at Sy. No.29 Hluvenahalli village [**subject property**].

3. Respondent No.5 (Senior Geologist) had demanded a sum of Rs.53,26,180/- from respondent No.6 towards arrears due and also held that respondent No.6 held an excess of 25 acres contrary to Rule 25 of the Karnataka Minor Mineral Concession Rules, 1994 (hereinafter referred to as **KMMC Rules, 1994**). Being aggrieved by the said demand, respondent No.6 preferred Writ Petition No.44397/2011 [GM-MM-S]. The said writ petition was disposed of by a coordinate bench of this court vide its order dated 25.7.2012. In the course of the said proceedings, respondent No.6 renounced his interest in all other leases held by him and pursued the leases in respect of quarry lease Nos.25 and 422. Accordingly, this Court directed that the application of respondent No.6 for grant of quarry leases in respect of the said areas be considered on its merits.

4. Subsequently, respondent No.5 issued a demand notice dated 31.12.2012 demanding a sum of Rs.20.00 lakhs being the balance and due from respondent No.6 in respect of quarry lease No.565



held by him. Prior to issuing the said demand notice, Respondent No.5 had vide order dated 27.11.2012, rejected the application filed by the petitioner in respect of the subject land. Being aggrieved, the petitioner preferred Revision Petition No.261/2012, which was disposed of by respondent No.3 - Joint Director by order dated 13.02.2013. Being aggrieved, the petitioner preferred Writ Petition No.19011/2013 [GM-MM-S]. It is pertinent to note here that respondent No.6 herein was arrayed as respondent No.2 in the said writ petition. A coordinate bench of this Court vide order dated 09.07.2013 partly allowed the said writ petition and ordered as under:

15. In the facts and for the reasons discussed herein above, the petition is partly allowed, the impugned orders dated 27.11.2012 and 13.2.2013 of the Senior Geologist and the Revisional Authority respectively are set aside and the original application dated 8.2.2012 of the petitioner is ordered to be considered in accordance with law and more particularly the provisions of sub-rule (1), (2) and (3) of Rule 8-A as also other relevant rules of the Karnataka Minor Mineral Concession Rules, 1994 along with the application of Respondent no.2, in terms of the previous order dated 25.7.2012 of this court in



W.P.No.44397/2011. As a necessary and consequential further order, it is directed that the subsequent notification dated 4.3.2013 in Form-GL sanctioning of quarry lease to Respondent no.2 in respect of 6 acres 2 guntas of land in Sy.No.29 of Huluvanahalli village, Bangalore South Taluk, Bangalore is quashed for a decision afresh on consideration of the application dated 8.2.2012 of the petitioner and the subsequent application of Respondent no.2 in terms of the aforesaid order dated 25.7.2012 in W.P.No.44397/2011.

5. Respondent No.6 assailed the said order dated 09.07.2013 before the Supreme Court. However, the Special Leave to Appeal (C) No.26465/2013 filed by respondent No.6 was dismissed on 27.01.2016. Hence, in terms of the aforesaid order dated 09.07.2013 the Senior Geologist was required to consider both the applications of the petitioner and respondent No.6.

6. Subsequently, the Senior Geologist vide order dated 01.02.2017 (which also bears the date 04.02.2017) accepted the application of respondent No.6 and rejected the application of the petitioner subject to respondent No.6 furnishing a No Due Certificate. The operative part of the said order reads as under:



I, Sri Kum. E.C. Dwiteeya, Senior Geologist-cum-Competent Authority, Department of Mines & Geology, Bengaluru Urban district in compliance to the Honble High Court judgment dated:-09-7-2013 passed in W.P. No.19011/2013 and in exercise of the powers conferred under KMMC Rules 1994 as Competent Authority after considering the above discussed and enumerated facts and case history in mind and by duly applying the mind to decide on the criteria for merits in accordance with KMMCR, 1994, on this day of 01/02/2017 do here by uphold the application of Mr. MR Lakshmanappa for its merits in entirety and reject the other three applications submitted by Mr. D. Sham, Mr. Purushottam and Mr. Chandranna for lacking the grounds of merit in tune with KMMCR, 1994. However, prior to the processing of Mr. M. R. Lakshmanappas application for grant of lease, he shall obtain and furnish No Due Certificates for having cleared all the dues and arrears on all the leases he has held in the state of Karnataka within one month from the date of communication of this order and failing which the application of Sri. D Sham shall be considered for grant in terms of priority in tune with KMMCR-1994.

7. Being aggrieved, the petitioner preferred Revision Petition No.47/2017 before respondent No.3 - Joint Director, which was disposed of vide order dated 07.10.2017. Respondent No.6 assailed



the said order dated 07.10.2017 before this Court in Writ Petition No.51350/2017 [GM-MM-S]. The Coordinate Bench of this Court vide order dated 22.01.2020 set aside the impugned order dated 07.10.2017 and remanded the matter. The operative part of the said order reads as under:

- "(i) The impugned order dated 7th October, 2017 (Annexure-W) is set aside only on the ground that the petitioner has shown valid reasons for remaining absent on the date of hearing, that is, 7th October, 2017;
- (ii) The revision application shall be reheard by the revisional authority;
- (iii) We direct the petitioner and the sixth respondent to appear before the revisional authority before whom the revision application bearing No.47/2015 is pending, at 2.30 p.m. on 4th February, 2020; On that day, the revisional authority shall fix the date for hearing. No further notice is required to be served on the parties by the revisional authority;
- (iv) The revisional authority shall decide the revision application afresh in accordance with law as expeditiously as possible and preferably within a period of three months from 4th February, 2020;



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(v) We hold that the notice dated 3rd November, 2016 (Annexure-Q1) is not a notice of demand and it is merely an intimation of what is found in the audit report and obviously the same cannot be enforced;

(vi) So far as the demand notice dated 31st March, 2017 (Annexure-N), the demand notice dated 17th February, 2018 (Annexure-Z) and the demand notice dated 21st February, 2019 (Annexure-ZC) are concerned, they shall be treated as show-cause notice and it will be open to the petitioner to file a reply to the same within a period of four weeks from today;

(vii) The authority competent to make the demand and levy penalty shall give an opportunity of being heard to the petitioner and after considering the reply and the documents, if any, produced by the petitioner, shall pass the final order(s) on the show-cause notices within a maximum period of three months from today;

(viii) We make it clear that we have made no adjudication on the merits of the demands which are the subject matter of the impugned notices;

(ix) We also make it clear that we have made no adjudication on the applicability of sub-rules (1) and (2) of Rule 8-B of the said Rules as amended on 12th August, 2016;



(x) The writ petition is disposed of on the above terms."

8. Subsequent to the remand, respondent No.3 - Joint Director considered the applications of the petitioner and respondent No.6 in Revision Petition No.47/2017 and vide order dated 08.09.2001 (which also bears the date 19.11.2001) disposed of the application.

The operative part of the said order reads as under:

"In exercise of the powers conferred under Government notification No.CI/180/MMN/2006 dated 24/11/2006, revision petition No.47/2017 filed by D.Shyam is hereby dismissed and application No.AQL-12/2012-13 submitted on 30/07/2012 by M/s. Sri.Lakshminarayana swamy stone crushers by its Prop.M.R.Lakshmanappa for grant of stone quarry lease in 6-20 acres in Sy.No.29 of Hluvenahalli village, Bangalore south taluk, Bangalore urban district is held as eligible application for grant of stone quarry lease as per order dated 16/08/2019 of the Hon'ble High Court in Writ Petition No.10601/2019 and application No.AQL-12/2012-13 submitted on 30/07/2012 by M/s. Sri.Lakshminarayana swamy stone crushers by its Prop.M.R.Lakshmanappa for grant of stone quarry lease in 6-20 acres in Sy.No.29 of Hluvenahalli village, Bangalore south taluk,



Bangalore urban district is decided to be Saved application under rule 8(b)(2)(d-1) of KMMC Rules, 1994 amendment Rules and it is directed to initiate action as per government orders and circulars for grant of stone quarry lease. This order is applicable only in so far as the impugned order passed by the competent authority. In case of region problems, the same shall be got resolved and it is the duty of the competent authority to recover any fees/dues to the department of the applicant as per rules."

9. Being aggrieved, the petitioner has filed the present petition.
10. It is contended by the learned counsel for the petitioner that respondent No.6 being in arrears of various amounts, which were due, his application for grant of quarry lease ought not to have been considered.
11. Learned counsel for respondent No.6 submits that he is willing to pay any amounts due and payable by him and the said amounts have not been determined.
12. Learned Government Advocate upon instructions submits that the proceedings against respondent No.6 pertains to four quarry



leases. Three quarry leases (QL Nos.728, 729 and 811) pertain to quarry leases in Bengaluru and the fourth quarry lease pertains to a lease in Tumakuru. Insofar as the quarry lease at Tumakuru is concerned, the dues have been quantified after due enquiry and recovery proceedings have been instituted.

13. This Court is informed that insofar as QL 811 is concerned, the demands have been quantified. However, enquiry in respect of quarry leases Nos.QL 728 and 729 are pending. The learned counsel appearing for respondent No.6 states that the demand as finalized in respect of QL 811 and the same will also be paid within a period of four weeks.

14. The learned Government Advocate submits that the enquiry with respect to QL Nos.728 and 729 has not been completed, as respondent No.6 is not participating in the said proceedings. He submits that the original lease holder has since expired and his legal heirs are required to participate in the proceedings for the demand to be finalized. The learned counsel appearing for respondent No.6 confirms that the respondent shall appear before the concerned authority on 12.01.2026 at 10.30 A.M. for participating in any proceedings regarding quantification of the demand. The said



proceedings would be concluded within a period of four weeks thereafter. The learned counsel for respondent No.6 states that the respondent shall pay the demand as quantified within a period of four weeks thereafter.

15. In the event, the demand as quantified, is not paid by respondent No.6 within the period as specified above, the concerned authority shall consider the petitioner's case for quarry lease in accordance with law.

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

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

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

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