

HC-KAR



CNR: KAHC010407742026

NC: 2026:KHC:35995-DB
WP No. 18770 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH 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. 18770 OF 2026 (GM-MM-S)

BETWEEN:

1. N MAHAMMED SALIM PASHA
S/O ABBASALI NIAZI
AGE: 45 YEARS
OCC: BUSINESS
R/O 12TH WARD, CHITWADGI
HOSPET - 583 211
TQ: HOSPET
DIST: VIJAYANAGARA

...PETITIONER

(BY MS. SAFRINA BEGUM, ADVOCATE FOR
SRI PRUTHVI K.S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
RPTD. BY ITS PRL. SECRETARY
DEPT. OF MINES AND GEOLOGY
VIDHANA SOUDHA
DR. AMBEDKAR VEEDHI
BENGALURU - 560 001
2. THE DIRECTOR
DEPT. OF MINES AND GEOLOGY
KHANIJA BHAVAN

Digitally
signed by
VEERENDRA
KUMAR K M

Location:
High Court
of Karnataka

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RACECOURSE ROAD
BENGALURU - 560 001

3. THE DEPUTY DIRECTOR
DEPT. OF MINES AND GEOLOGY
HOSAPETE - 583 201
TQ: HOSAPETE
DIST: VIJAYANAGARA
4. THE SENIOR GEOLOGIST
DEPT. OF MINES AND GEOLOGY
KHANIJA BHAVAN, 7TH WARD
M.P. PRAKASH NAGAR
HOSAPETE - 583 201
TQ: HOSAPETE
DIST: VIJAYANAGARA
5. THE ADDITIONAL DIRECTOR
AND REVISIONAL AUTHORITY
SENIOR GEOLOGIST
DEPT. OF MINES AND GEOLOGY
NORTH ZONE, BALLARI - 583 101
TQ AND DIST: BALLARI

...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 IN THE NATURE OF CERTIORARI BY QUASHING THE IMPUGNED ORDER DATED 25/07/2025 BEARING NO.Ga.Bhoo.Ee.HeNiBaOo. Va.Parishkarana-02:2025-26/1158 ISSUED BY RESPONDENT NO.5 IN REVISION APPLICATION NO.02/2025-26 VIDE ANNEXURE-A AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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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 learned Government Advocate accepts notice for the respondents.
2. The petitioner has filed the present writ petition impugning an order dated 25.07.2025 passed by the respondent No.5 in Revision Application No.2/2025-26.
3. The petitioner was granted a quarry lease over land measuring 7-00 acres, falling in Sy.No.59 of Hanasi village, Haragibommanahalli Taluk, Ballari District (presently Vijayanagara District), for extracting building stone. A quarrying lease bearing HPT No.483 was executed in favour of the petitioner for a term of five (5) years, with effect from 09.05.2011. The said term expired on 09.05.2016. However, prior to expiry, the petitioner filed a renewal application on 06.02.2016 seeking an extension of the quarry lease for a period of ten (10) years. The petitioner also furnished a quarry plan dated 16.02.2026, which was approved on

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19.02.2026. Accordingly, respondent No.4 requested the concerned Tahsildar and the Deputy Conservator of Forests, Ballari District, to furnish no-objection certificates [**NOCs**] from the revenue and forest departments. However, the NOCs were not received. The petitioner was also required to obtain an environmental clearance certificate [**ECC**] from the Karnataka State Environment Impact Assessment Authority [**KSEIAA**]. However, it is stated that the petitioner failed to do so. The annual audit for the year 2019-20 indicated that a sum of ₹2,52,284/- was outstanding as at the end of the year 2019-20. Accordingly, a demand letter dated 02.12.2020 was issued to the petitioner. However, it is alleged that the petitioner failed to satisfy the said demand. In view of the above, the petitioner's application for renewal of the quarry lease was rejected by an order dated 24.03.2021.

4. The petitioner filed a revision petition under Rule 53(1) of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**], which was rejected by the impugned order dated 25.07.2025, *inter alia*, on the ground that the said revision petition had been filed after a delay of three years, eleven months and fourteen days, and thus was beyond the period of limitation.

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5. The learned counsel appearing for the petitioner submits that the principal ground for rejecting the petitioner's application for renewal is unsustainable. She submits that under Rule 39 of the KMMC Rules, the concerned authorities were required to issue a notice before forfeiting the security deposit. She submits that in the present case the security deposit has been forfeited and adjusted towards the outstanding demand without issuing a notice under Rule 39 of the KMMC Rules. So far as the delay is concerned, she submits that the petitioner was undergoing severe financial hardship and was unaware of the requirement to file the revision petition within the stipulated period of ninety days.

6. She also earnestly contended that the application for renewal had been filed on 06.02.2016 and had been rejected more than five years later, and thus there has been a significant delay in processing the petitioner's application for renewal. Thus, the impugned order was liable to be set aside.

7. The contentions advanced on behalf of the petitioner are unmerited. There is no dispute that the petitioner received the demand for payment of the outstanding amount, communicated by

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a letter dated 02.12.2020. Although it is contended on behalf of the petitioner that no notice of forfeiture under Rule 39 had been issued, there is no averment on record which refutes the finding that a demand letter dated 02.12.2020 had been communicated. Reference to the said demand letter is also found in the order rejecting the petitioner's application for renewal of the quarry lease. There is also no denial that the petitioner failed to secure the environmental clearance certificate from KSEIAA.

8. The present writ petition has been filed impugning the order dated 25.07.2025, rejecting the petitioner's revision petition filed under Rule 53 of the KMMC Rules. As noted above, the revision petition was rejected on the ground of delay. There is no dispute that the stipulated time for filing the revision petition is 90 days from the date of the order under review, and in certain cases, the revisional authority is empowered to condone a delay of 30 days, if a sufficient cause is shown.

9. Concededly, the rejection letter was duly communicated to the petitioner, and there is an inordinate delay in filing the revision petition. The only explanation provided by the petitioner for this

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delay is that the petitioner was suffering from financial hardship and was unaware of the period of limitation. None of these grounds are persuasive. There is no material to establish any financial hardship or to show how it prevented the petitioner from filing a revision petition. Further, it is well settled that ignorance of law is not an excuse. Given the limited scope of judicial review in these proceedings, we are unable to accept that any interference is warranted in the impugned order. The writ petition is, accordingly, dismissed.

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

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

KMV
List No.: 2 Sl No.: 10