



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

WRIT PETITION NO.19306 OF 2022 (GM-RES)

BETWEEN:

SRI G L LAKSHMEGOWDA
S/O LATE LINGE GOWDA
AGED ABOUT 57 YEARS
PROPRIETOR
M/S SIDDESHWARA STONE CRUSHER
R/A GOWDAHALLI
T M HOSUR (PO)
SRIRANGAPATNA TALUK
MANDYA DIST - 571 401.

...PETITIONER

(BY SRI L M CHIDANANDAYYA, ADVOCATE)

AND:

SENIOR GEOLOGIST (MINES)
DEPARTMENT OF MINES AND GEOLOGY
VIDYANAGARA 1ST CROSS
MANDYA DISTRICT
MANDYA - 571 401
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA.

...RESPONDENT

(BY SMT. SOWMYA R., HCGP)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE
RECORDS WHICH ULTIMATELY RESULTED IN PASSING THE
ORDER IMUGNED DATED 09.08.2021 IN C.C.NO.3703/2021

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



VIDE ANNEXURE-A ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND JMFC, 1ST CLASS, SRIRANGAPATNA.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 09.08.2021 passed by Principal Civil Judge (Jr.Dn.) and JMFC, Srirangapatna in CC no.3703/2021 an order taking cognizance of prior complaint filed by respondent - complainant alleging offences punishable under Karnataka Regulation of Stone Crushers Act, 2011 (**Act**), this petition is filed.

2. Sri LM Chidanandayya, learned counsel for petitioner submitted that petitioner was owner of 2 Acres of land in Sy.no.153 of Gowdahalli village, K Shettihalli-2 Hobli, Srirangapatna Taluk, Mandya District. In order to run stone crusher unit, he had filed application before authorities as per Annexure-E. In pursuance of same, authorities had endorsed that it was within safe zone and thereafter, Committee headed by Deputy Commissioner passed resolution declaring it within



safe zone. However petitioner was not issued Form-B1. Therefore he filed WP no.9499/2021 before this Court. Same was allowed on 25.06.2021 directing for issuance of Form-B1 within a period of one month.

3. Instead of complying with said order, in an apparent attempt to subvert it, a private complaint as per Annexure-A was filed by complainant - Senior Geologist (Mines), Mandya District, alleging that at 4:30 p.m., on 05.08.2021, when raid was conducted on land belonging to petitioner, they found a jelly crusher unit and though it was not working, there was a stock of 2367 metric tons of building stones, indicating that crusher unit had commenced operations. It was thus apparent that illegal stone crusher unit was established without declaration of safer zone under Section 6 (1) of Act and without issuance of Form-C. Alleging that same was in violation of Section 3 (1) and offence punishable under Section 16 of Act, complaint was filed.

4. It was submitted, complainant namely Senior Geologist (Mines), Mandya District had stated that he was authorized to file complaint as per Notification dated



21.01.2014 issued under provisions of Mines and Minerals (Development and Regulation) Act, 1957 (**MMDR Act**). However it was submitted, offences having been alleged under provisions of Act and not MMDR Act, which under Section 17 provided for issuance of notification by State Government declaring authorized persons and therefore, initiation of proceedings would not be justified.

5. It was submitted, on presentation of complaint, learned Magistrate endorsed '*cognizance taken*' without verifying authority of complainant to file complaint. Same did not indicate proper application of mind and, consequently proceedings were liable to be quashed. It was further contended that Sub-rule (5) of 3 (C) of Karnataka Regulation of Stone Crushers Rules, 2012 (**Rules**) mandated issuance of notice and hearing to violator prior to invocation of penal proceedings.

6. It was submitted, this Court in WP no.101501/2025 [2025:KHC-D:3952] (**Rashmi Hitnal's** case) and in Criminal Petition no.102735/2025 [2025:KHC-D:12787] (**Laxmi Venkateshwar Stone Crusher's** case) had quashed



proceedings initiated without issuance of notice. On said ground sought for quashing.

7. Smt.Sowmya R., learned HCGP for respondent - State opposed petition. It was submitted, conduct of raid prior to filing of complaint indicated that even before issuance of stone crusher's licence under Act, petitioner had established crusher unit. Finding enormous stock of building stones would indicate process of extraction and crushing had commenced. Insofar as compliance with Rule 3 (C), it was firstly submitted that in ancillary proceedings, petitioner had infact produced notices. Alternatively, it was submitted that Rule 3 (C) would apply only in case of any violation by stone crusher licensee and same may not apply to petitioner.

8. It was submitted, complainant had clearly mentioned source of his authorization in complaint and based on same and taking note of fact that without license, petitioner had stocked huge amount of building stones on his land, there was sufficient justification for learned Magistrate to have taken cognizance. It was submitted, grounds were urged technically



in nature and on such grounds quashing of proceedings would not be justified and sought for dismissal.

9. Heard learned counsel and perused material on record.

10. This petition is by petitioner challenging proceedings in a private complaint alleging violation of Sections 3 (1) and 6 (1) of Act, which would be offences under Section 16 of Act. Though applicability of Rule 3 (C) to petitioner, who is not yet a licensee would be a matter for argument, other contention about Geologist not being an authorized person, consequent violation of Section 17 of Act goes to root of matter and require examination.

11. Section 17 of Act reads as under:

"Only a person authorized by State Government in this behalf would be competent person to file private complaint."

12. Perusal of Annexure-A - private complaint would indicate that Senior Geologist (Mines), Mandya District has filed private complaint stating source of his authorization under Notification dated 21.01.2014. Though, at column no.10



Geologist would be authorized officer but same is in respect of offences under MMDR Act. Allegations in instant case are about violation of Act and not MMDR Act. In absence of notification having been issued under Section 17 of Act, filing of private complaint by referring notification of MMDR Act would be apparently illegal and as such abuse of process. Hence, on said ground petition is ***allowed***, proceedings in CC no.3703/2021 on file of Principal Civil Judge (Jr.Dn.) and JMFC, Srirangapatna stand ***quashed***.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 13