HC-KAR

NC: 2026:KHC:16298-DB
WP No. 20608 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 20608 OF 2022 (GM-MM/S)

BETWEEN:

M/S. N.R.BUILDERS STONE CRUSHER
OFFICE AT: "OM SAI NIVAS"
4TH MAIN, 2ND CROSS,
MAHALAKSHMI LAYOUT
TUMKUR-572106
REPRESENTED BY ITS PROPRIETOR
SRI. A.C.RAJASHEKAR

…PETITIONER

(BY SRI. UDAYA HOLLA, SENIOR ADVOCATE A/W
SRI. BHAT GANAPATHY NARAYAN, ADVOCATE)

Digitally signed by NIRMALA DEVI
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF COMMERCE AND INDUSTRIES
VIKASA SOUDHA,
BENGALURU-560001.

2. THE DEPUTY COMMISSIONER AND CHAIRMAN
LICENSING AUTHORITY,
STONE CRUSHERS REGULATION COMMITTEE,
TUMKUR DISTRICT,

TUMKUR-572101.

3. THE DEPUTY DIRECTOR
LICENSING AUTHORITY,
STONE CRUSHERS REGULATION COMMITTEE,
TUMKUR DISTRICT,
TUMKUR-572101.

4. THE DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
KANIJA BHAVAN,
BENGALURU-560001.

5. THE REGIONAL COMMISSIONER
BENGALURU DIVISION
K.H.ROAD, SHANTHINAGAR
BENGALURU-560027.

…RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO 1. ISSUE A WRIT OF CERTIORARI OR ANY APPROPRIATE ORDER QUASHING THE IMPUGNED ORDER DATED 26.07.2022 IN CASE NO. GANI (APPEAL) NO. 2/2022, PASSED BY THE 5TH RESPONDENT, AS PER ANNEXURE -R, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS WRIT PETITION, COMING ON FOR 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. JUSTICE C.M. POONACHA)

1. The present writ petition is filed seeking for the following reliefs:

> "Wherefore, the petitioner most respectfully prays that his Hon'ble Court may pleased to :
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> 1. Issue a Writ of Certiorari or any appropriate order quashing the impugned order dated 26.07.2022 in case No. GANI (Appeal) No. 2/2022, passed by the 5th respondent, as per Annexure -R, in the interest of justice and equity.
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> 2. Issue a Writ of Certiorari or any appropriate order quashing the impugned proceedings dated 16.03.2022, passed by the respondent No.2, as per Annexure -z, in the interest of justice and equity.
>
> 3. Issue Writ of Mandamus or any appropriate order or direction directing the 2nd and 3rd respondent that the license granted to the petitioner dated 23.11.2013 valid up to 22.11.2018 is deemed to have been extended for a period of twenty years from the date of grant in view of the bearing Sl. No. DPAL 19 SHASANA 2020, Bengaluru, dated 31.03.2020 Karnataka Ordinance No. 03/2020, the Karnataka Regulation of Stone Crushers (Amendment) Ordinance, 2020 issued by the respondents under Section 5 (2) and (3) of the Karnataka Stone Crusher act, as per Annexure -K, in respect of existing stone crusher unit situated in the schedule land to be declared.

> 4. Grant such other relief's as this Hon'ble Court deems fit to grant on the facts and circumstances of the case, in the interest of justice and equity."

2. The petitioner is the owner of an extent of 2 acres 28 guntas of land in Sy.No.19/1 of Mydala Village, Tumakuru Taluk, Tumakuru District [**subject property**], out of which, an extent of 1 acre 28 guntas has been converted from agricultural to industrial purposes. The petitioner was granted licence to establish a Stone Crusher Unit in the converted portion of the subject property on 23.11.2013, which was valid for a period of 3 years i.e., up to 22.11.2016. The said land was also declared as safer zone by the second respondent – Deputy Commissioner and Chairman, Licensing Authority, Stone Crushers Regulation Committee, vide notification dated 01.01.2014.

3. Section 5 of the Karnataka Regulation of Stone Crushers Act, 2011 [**Stone Crushers Act**] was amended and five years was inserted in place of three years. Accordingly, the petitioner was entitled for extension of licence for another period of two years. However, the same was not granted by the official-respondents. Hence, the petitioner filed Writ Petition

No.6901/2017. This Court, vide order dated 17.02.2017 allowed the said writ petition and directed extension of the validity of the period of licence till 23.11.2018. Accordingly, the licence was extended till 23.11.2018.

4. The petitioner made an application on 22.10.2018 for renewal of the crusher licence and also submitted Form A1 for declaration of safer zone in respect of the Stone Crusher Unit. The petitioner also gave representations on 04.12.2018 and 11.01.2021 for extension of the Stone Crusher Licence.

5. In the meanwhile, certain provisions of Stone Crushers Act was amended w.e.f., 30.03.2020 vide the Karnataka Regulation Stone Crushers Act (Amendment) Ordinance, 2020 [**Ordinance**] whereunder, Section 5 of the Stone Crushers Act was substituted, as a result of which, the petitioner was entitled to seek for 'deemed extension'.

6. Since the request of the petitioner was not granted, the petitioner filed Writ Petition No.4994/2022. This Court, vide order dated 20.04.2022 directed the petitioner to approach the fifth respondent – Regional Commissioner by filing an appeal under

Section 15 of the Stone Crushers Act. Accordingly, the petitioner filed Appeal No.2/2022 before the Regional Commissioner. However, vide order dated 26.07.2022 [**impugned order**] the said appeal was dismissed. Being aggrieved, the present petition is filed.

7. It is the contention of the petitioner that having regard to the Ordinance, the petitioner is entitled to 'deemed extension' of the Stone Crusher Licence. That in aspect of similarly placed persons', extensions have been granted for a period of 20 years pursuant to the Ordinance. That the fourth respondent – Director, Department of Mines and Geology has recommended to the Deputy Director and Licensing Authority, Stone Crushers Regulation Committee, to grant extension to the petitioner. That the other authorities have also granted no objection for extension of the licence of the petitioner. Hence, the learned counsel seeks for setting aside of the impugned order and granting the reliefs as sought for in the writ petition.

8. It is pertinent to note here that the Regional Commissioner, while considering the appeal of the petitioner, has

noticed that as per Section 6(1)(b) of the Stone Crushers Control Act, one of the conditions to be complied is that the safer zone should not be situated within 100 metres from the border of the Main District Roads. However, the subject property is situated about 45 metres from Tumakuru - Mydala Road. It is further noticed that complaints have been lodged by the public against granting of the licence to the petitioner. Hence, the Regional Commissioner has not granted the reliefs sought for in the said appeal in view of “public interest”.

9. The petitioner does not dispute the finding of the appellate authority that the subject property is situated within 45 metres from Tumakuru – Mydala Road is correct.

10. Although, it is the vehement contention of the learned counsel for the petitioner that the licence having been granted at an earlier point of time and the issue was only with regard to the extension of the licence by virtue of the provision for 'deemed extension' under the Ordinance, in view of the admitted fact that the subject property is situated within 100 metres of the border of the Tumakuru- Mydala Road, as also having regard to the fact that

extension has not been granted to the petitioner by virtue of the complaints lodged by the members of the public, this Court does not deem it expedient to interfere with the decision of the appellate authority.

11. In view of the aforementioned, the above writ petition is dismissed as being devoid of merit.

12. All pending applications are also disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C.M. POONACHA)
JUDGE

ND
List No.: 1 Sl No.: 36