



CNR: KAHC010513432026

NC: 2026:KHC:41490-DB  
WP No. 23048 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6<sup>TH</sup> DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 23048 OF 2026 (GM-MM-S)

**BETWEEN:**

1. ARIF HUSSAIN A M  
S/O A M MALAGI  
AGED ABOUT 50 YEARS  
R/AT HOUSE NO.116/92  
KIRAVADI LAYOUT  
DAVANAGERE CITY  
DAVANAGERE DISTRICT  
KARNATAKA - 577 004

...PETITIONER

(BY SRI BHADRAVADI SIDDESWARA, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF COMMERCE  
AND INDUSTRIES (MINES)  
KHANIJA BHAVANA  
RACE COURSE ROAD  
BENGALURU - 560 001
2. THE DIRECTOR / SENIOR GEOLOGIST  
DEPARTMENT OF MINES AND GEOLOGY  
KHANIJA BHAVANA

Digitally  
signed by  
AMBKA H B  
Location:  
High Court  
of Karnataka



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RACE COURSE ROAD  
BENGALURU - 560 001

3. THE SENIOR GEOLOGIST  
DEPARTMENT OF MINES AND GEOLOGY  
VIJAYANAGARA DISTRICT  
KHANIJA BHAVANA  
7<sup>TH</sup> CROSS, SADASHIV NAGAR  
M P PRAKASH NAGAR  
HOSAPETE  
VIJAYANAGARA DISTRICT - 583 201
4. KARNATAKA STAE REMOTE  
SENSING APPLICATIONS CENTRE (KSRSAC)  
DEPARTMENT OF PERSONNEL  
AND ADMINISTRATIVE REFORMS  
(E-GOVERNANCE)  
REPRESENTED BY ITS DIRECTOR  
DOORA SAMVEDI BHAVANA  
MAJOR SANDEEP  
UNNIKRISHNAN ROAD  
DODDABETTAHALLI  
BENGALURU - 560 097

...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 OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED DEMAND NOTICE DATED 30.05.2026 ISSUED BY RESPONDENT No. 3 (ANNEXURE-D) 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. Issue notice. The learned Government Advocate accepts notice for the respondents.
2. The petitioner has filed the present petition impugning a demand notice dated 30.05.2026 issued under Section 44A of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**]. In terms of the impugned demand notice, the petitioner has been called upon to pay penalty of ₹1,41,98,520/- (Rupees One Crore Forty One Lakh Ninety Eight Thousand Five Hundred and Twenty only) within a period of 45 days from the date of receipt of the said notice. Additionally, the petitioner has been called upon to submit an undertaking in the form of an affidavit, *inter alia*, stating that any ongoing litigation or proceedings being pursued by the petitioner would be withdrawn as a part of One Time Settlement [**OTS**].
3. The petitioner states that he was granted a quarry lease (QL-319) over a land measuring 1 acre in Survey No.6 situated at



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Chatnahalli Village, Harapanahalli Taluk, then within undivided Davanagere District, now Vijayanagara District, for extraction of building stone for a period of five years. The term of the said lease came to an end on 17.10.2012. The petitioner states that thereafter, he applied for renewal of the lease, but the extension was not granted. On 29.07.2014, a joint inspection was conducted and it was alleged that the petitioner had extracted and transported building stones of a value of ₹6,17,280/- during the period from 19.10.2012 to 27.07.2014. Thereafter, an FIR (FIR No.1418/2014) was also registered at Arasikere Police Station, Harapanahalli alleging offences under Rule 44(1) and 44(2) of the KMMC Rules read with Section 379 of the Indian Penal Code, 1860 [**IPC**]. It is stated that a charge sheet case (CC No.830/2015) was also filed before the Civil Judge (Junior Division) and JMFC, Harapanahalli.

4. Insofar as the offences under Rule 44(1) and 44(2) of the KMMC Rules are concerned, the petitioner had filed a petition under Section 482 of the Code of Criminal Procedure, 1973 [**Cr.P.C**] (CrI.P No.7250/2018) which was disposed of by an order



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dated 02.07.2019 with an observation that the authorities are required to proceed for the offences under the KMMC Rules by way of a private complaint under Section 200 of Cr.P.C. Accordingly, the charge sheet in respect of offences punishable under Rule 44(1) and 44(2) of KMMC Rules was quashed and the petitioner was acquitted. It is stated that the petitioner was acquitted of an offence under Section 379 of IPC by an order dated 30.12.2024.

5. The petitioner submits that the allegation in the report submitted by respondent No.4 overlaps some of the allegations in respect of which the petitioner has been acquitted. The petitioner contends that since no further proceedings have been initiated, the demand is unsustainable.

6. The petitioner has also filed a representation in respect of the said impugned notice.

7. The learned Government Advocate fairly states that the impugned demand notice may be considered as a show cause notice. The petitioner's representation will be considered and an



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appropriate order would be passed after affording an opportunity of hearing to him. The respondent is bound down to the said statement.

8. The petition is disposed of in the aforesaid terms.
9. All rights and contentions of the parties are reserved.

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

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

AHB  
List No.: 2 Sl No.: 9