



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH 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. 31305 OF 2025 (GM-MM-S)

BETWEEN:

1. M/S BHARAT MINING AND ENGINEERING CO
REGD. FIRM BY ITS PARTNER JYOTIN C. GANDHI
REPRESENTED BY HIS REGD. POWER
OF ATTORNEY HOLDER
SHRI NISAR AHAMED A. LOHAR
S/O. ABDUL GAFUR LOHAR
AGED 51 YEARS
RESIDING AT HASTINAPUR LAYOUT KESHWAPUR
HUBBALLI - 580 023

...PETITIONER

(BY SRI S.R. ANURADHA, SENIOR ADVOCATE A/W
MS. SABAHATH SULTANA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF COMMERCE AND INDUSTRY
VIKASA SOUDHA
DR. AMBEDKAR ROAD
BENGALURU - 560 001
2. THE DIRECTOR/COMPETENT AUTHORITY
DEPARTMENT OF MINES AND GEOLOGY

Digitally
signed by
SUMATHY
KANNAN

Location:
High Court of
Karnataka



5TH FLOOR, KHANIJABHAVAN
RACE COURSE ROAD
BENGALURU - 560 001

3. THE CHAIRMAN
DISTRICT TASK FORCE COMMITTEE
THE DEPUTY COMMISSIONER
KOPPAL
4. THE SENIOR GEOLOGIST,
DC OFFICE COMPLEX HOSPET ROAD
KOPPAL

...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 14.07.2025 (ANNEXURE-"A") ISSUED BY THE RESPONDENTS & 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*, impugning a demand notice dated 14.07.2025 [**impugned order**]. Additionally, the petitioner also prays that directions be issued to the respondents to execute a Quarrying Licence for extraction of *Grey Granite Gneisses* measuring an extent of 20 acres of Patta land falling in Survey numbers 93, 94, 96, 97 and 98 at Kakkihalli Village, Yelburga Taluk, Koppal District [**QL-592**]. Further, the petitioner prays that this Court declare that it is not liable to pay rent for the period during which it was not carrying on any quarrying operations.

2. Insofar as the impugned order is concerned, we note that the said order merely informs the leaseholder [M/s. Bharat Timber Construction] that after the payments of arrears in respect to various quarry permits/encumbrances, action would be taken to send a proposal for extension of the period of the lease referred to as KPLP-14, to the concerned authorities.



3. The impugned order sets out a tabular statement indicating the outstanding arrears in respect of various leases. The said statement also reflects arrears of ₹18,95,783/- in respect of the lease referred to as QL-592.

4. It is the petitioner's case that the demand raised in respect of QL-592 is unsustainable, as it is on account of dead rent during the period the lease was not in operation.

5. It is apparent from a plain reading of the impugned order that its import is limited to the action taken in respect of KPLP-14. Admittedly, the petitioner is not the leaseholder of KPLP-14, as it stands in the name of M/s. Bharat Timber Construction.

6. This Court is informed that the said leaseholder has preferred a separate petition challenging the impugned order. The petitioner is clearly not aggrieved by the withholding of the proposal for extending KPLP. Thus, no orders are required to be passed in this petition in respect of the impugned order.

7. Insofar as the other prayers are concerned, the same relate to the Quarry Licence in respect of QL-592, which has since



expired. The same has not been extended/renewed, inter alia, due to the outstanding demand.

8. The respondents have filed a memo dated 19.01.2026 enclosing therewith the demand letter dated 16.10.2024 in respect of QL-592. The said demand letter is not a subject matter of challenge in the present writ petition. However, the petitioner has filed an interim application I.A No.1 / 2026 *inter alia* stating that no opportunity of hearing was afforded to the petitioner prior to the issuance of the said demand letter, and the same is devoid of any reasons. The petitioner further prays that the grounds as set out in the writ petition may be read as part of the Interlocutory Application, and a declaration be issued that the demand letter is not in accordance with the provisions of the Karnataka Minor Mineral Concession Rules, 1994.

9. A plain reading of the I.A indicates that the petitioner seeks to impugn the demand letter, and as noted above, seeks to import the grounds as set out in the writ petition as grounds for the said relief.



10. The question that arises is whether an interlocutory application of this nature is maintainable as it effectively appears to seek substantive relief by imputing the averments made in the writ petition in addition to those made in the I.A. Further, the petitioner also has an alternative remedy of a revision against the said demand order. However, without going into the said questions, to avoid prolixity in litigation, and considering the petitioner claims that no opportunity of hearing was afforded to it, we consider it apposite to direct that the said demand order dated 16.10.2024 be construed as a notice. The petitioner may file his response to the said demand letter with the concerned authority within two weeks. The said authority is further directed to consider the response, if any, and pass a fresh order after affording the petitioner an opportunity to be heard. We clarify that all rights and contentions of the parties are reserved.

11. In view of the above, no further orders are required to be passed in the writ petition, as the question whether the term of the QL-592 is to be extended can be considered after the issue regarding arrears is settled.



12. The petition is disposed of in the aforesaid terms.
13. Pending applications stand disposed of.

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

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

KS
List No.: 2 Sl No.: 14