



CNR: KAHC010701302024

NC: 2026:KHC:49859-DB
WP No. 32794 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 32794 OF 2024 (GM-MM-S)

BETWEEN:

1. V. PARAMESH
S/O. R. VEERABHADRAPPA
AGED ABOUT 44 YEARS
R/AT NO. 54, WARD NO.18
GIRLS SCHOOL ROAD
CHIKKABALLAPURA TOWN - 562 101
CHIKKABALLAPURA DISTRICT

...PETITIONER

(BY SRI RAVINDRA GAJANAN KOLLE., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY
ROOM NO. 320, 3RD FLOOR
VIDHANA SOUDHA
BENGALURU - 560 001
2. THE PRINCIPAL SECRETARY TO GOVERNMENT
DEPARTMENT OF COMMERCE AND INDUSTRIES
ROOM NO. 135, FIRST FLOOR
VIKASA SOUDHA
BENGALURU - 560 001
3. THE DIRECTOR & COMMISSIONER
DEPARTMENT OF MINES AND GEOLOGY

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



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NO. 49, KHANIJA BHAVANA
RACE COURSE ROAD
BENGALURU - 560 001

4. THE DEPUTY DIRECTOR AND
COMPETENT AUTHORITY
DEPARTMENT OF MINES AND GEOLOGY
CHIKKABALLAPURA - 562 101
5. M/S CHANNAKESHAHA GRANITES
REP. BY ITS PROP. B.V. SATHISH GOWDA
AGED MAJOR
R/O. BENDIGANAHALLI VILLAGE
SULIBELE HOBLI
HOSAKOTE TALUKA
BENGALURU RURAL DISTRICT - 562 129
6. SHRINIVAS G. PATEL
AGED MAJOR
R/AT NO. 7, SHRI NILAYA
2ND CROSS
MARAPPATHOTA
J.P. NAGAR
BENGALURU - 560 006
7. A. SRIDHAR
S/O. A.V. AKKALA REDDY
AGED ABOUT 48 YEARS
R/O. ADDAGALU VILLAGE
MANDIKAL POST
CHIKKABALLAPURA TALUKA
CHIKKABALLAPURA DISTRICT - 562 104

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-1 TO R-4 &
SRI RAGHAVENDRA G. GAYATRI, ADVOCATE FOR R-5 TO R-7)

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 ORDER OR DIRECTION
DIRECTING TO QUASH OR SET ASIDE THE ORDER
NO.GaBhuE/UNiCHi/KaGaGu/KaGaGu.A-63/2024-25/3970 DATED
21/10/2024 PASSED BY 4TH RESPONDENT DEPUTY DIRECTOR AND



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COMPETENT AUTHORITY PRODUCED AT ANNEXURE-A, WITHOUT CONSIDERING PETITIONER'S QL APPLICATION AT NO.63 DATED 22/09/2011 ON FIRST COME FIRST SERVED BASIS PRODUCED AT ANNEXURE-B AND 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 MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition impugning an order dated 21.10.2024 passed by respondent No.4 (Deputy Director, DMG). The petitioner also prays that the Deputy Director, DMG be directed to consider the petitioner's application at serial No.63 dated 22.09.2011 for grant of a quarry lease over an area measuring 6 acres in Survey No.4 of Gummalapura Village, Chikkaballapura Taluk, Chikkaballapura District, on first come first serve basis. The petitioner further prays that the applications filed by respondent Nos.5, 6 and 7 for quarry lease be considered after allocating the area of 6 acres for lease in favour of the petitioner.



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2. The petitioner had filed an application in Form AQL on 22.09.2011 seeking grant of quarry lease for extracting ordinary building stone over an area of 6 acres in Survey No.4 of Gummalapura Village, Chikkaballapura Taluk, Chikkaballapura District. The receipt of the said application was also acknowledged by the Director, DMG.

3. Thereafter, on 28.03.2012, respondent No.6 filed an application seeking grant of quarry lease for grey granite (ornamental stone) over an area of 3.26 acres falling in Survey No.4, which, according to the petitioner, overlaps to an extent of 1.09 acres over the area as applied for by the petitioner. Similarly, respondent Nos.7 and 5 also filed applications dated 28.03.2012 and 30.08.2012 seeking quarry lease for extracting ornamental stone over areas measuring 5 acres and 4 acres, respectively, falling in Survey No.4. The petitioner claims that those areas also overlapped the petitioner's applied area to the extent of 1.06 acres and 1.09 acres, respectively.

4. Respondent No.3 (Director, DMG) sent a letter dated 08.02.2024 to the Deputy Director seeking technical reports in



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respect of the applications for areas applied by respondent Nos.5, 6 and 7. Separate reports were submitted by the Deputy Director on 02.04.2024 and 13.05.2024 in respect of the applied areas for which leases were applied by respondent Nos.5, 6 and 7. The petitioner claims that by a letter dated 31.05.2024, the drawing branch confirmed that the area to the extent of 5.28 acres was freely available for grant of lease as against 6 acres as applied for by the petitioner.

5. The petitioner claimed that his application was required to be considered on priority over the applications filed by respondent Nos.5, 6 and 7. Therefore, the petitioner made a representation dated 11.06.2024.

6. Thereafter, on 21.10.2024, the Deputy Director, DMG rejected the petitioner's application for a quarry lease by the impugned order on the ground that only 0.19 guntas of land was freely available after excluding the overlapping areas. The Deputy Director, DMG found that the areas applied for by respondent Nos.5, 6 and 7 overlapped the area applied for by the petitioner to the extent of 1.09, 3.09 and 1.14 acres, respectively. The Deputy



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Director, DMG reasoned that since the remaining extent of 0.19 guntas was less than the minimum extent of 2 acres as prescribed under Rule 15A(1) read with Schedule IIA of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**], the petitioner's application could not be accepted.

7. The learned Additional Government Advocate contends that the petitioner's application was for building stone and, therefore could not be granted priority over the applications for granite and ornamental stone which was a specified minor mineral and would fetch a higher royalty. It is also contended that granting the petitioner's application would result in loss to the State.

8. The present petition was listed before this Court on 17.12.2024, and a Coordinate Bench of this Court had directed the respondent authorities to maintain *status quo* in regard to the area applied for by the petitioner. During the course of the present proceedings, the learned counsel appearing for respondent Nos.5, 6 and 7 stated that respondent No.5 has filed a revised plan in respect of an area which does not overlap the area applied for by the petitioner. He stated that respondent No.6 had since withdrawn



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his application and thus, the question of rejecting the petitioner's application on account of overlapping areas is required to be considered only in the context of the application filed by respondent No.7. In view of the above, this court had directed the learned Additional Government Advocate to file a memo to place on record the stand of the Deputy Director, DMG in regard to the overlapping areas before the next date of hearing.

9. Pursuant to the said directions, the learned Additional Government Advocate had filed a memo enclosing therewith a letter dated 30.01.2026 addressed by the Deputy Director, DMG to the learned Additional Government Advocate. It included a tabular statement setting out the various applications filed and their status. The said tabular statement indicates that several other applications were rejected and an application filed by one Sri S.Chandrashekar had been processed and a lease was executed over an area out of which 17 guntas overlapped with the petitioner's applied area. The application filed by respondent No.7 which was pending was for an area, which overlapped the petitioner's applied area to the extent of 1 acre and 6 guntas. The said letter unequivocally states that an



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area of 4 acres and 17 guntas is currently available for grant of quarrying lease. The said letter also states that grey granite and ornamental stone were found in the surrounding applied area, and that the royalty payable on grey granite is higher than the royalty payable on building stone. Thus, the lease granted for grey granite in the applied area would result in higher royalty collection by the Government. The said letter also indicates that the petitioner was called upon to submit a revised sketch of 3 acres and 20 guntas for grant of quarry lease. A map showing the areas applied for under various applications is enclosed with the said letter.

10. In the aforesaid context, the petitioner had submitted that notwithstanding his claim of priority over the application filed by respondent No.7, which was filed on 28.03.2012, the petitioner was willing to accept the lease for a lesser area of 4 acres 17 guntas. Insofar as the payment of royalty on grey granite (ornamental stone) is concerned, the learned counsel submits that in several cases where grey granite is found, quarrying of the specified minor mineral is included in the leases under Rule 3-E of the KMMC Rules. The said contentions were noted by this Court in the order



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dated 03.09.2026, and the learned Additional Government Advocate had sought time to take instructions in this regard. The order passed on 03.09.2026 reads as under:

"1. The learned counsel appearing for the petitioner has handed over a memo which includes a communication dated 28.03.2025 in another case, where the government has granted approval for grant of quarry lease for building stones with the condition that if grey granite (ornamental stone) is found, then necessary action will be taken as per Rule 3(E) of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**].

2. The petitioner had applied for a quarry lease over an area of 6-00 acres falling in Survey No.4 of Gummalapura Village, Mandikal Hobli, Chikkaballapur District and Taluk.

3. The learned Additional Government Advocate appearing for respondents No.1 to 4 has referred to a communication dated 30.01.2026 and points out that as against 6 acres of applied area, only 4 acres and 17 guntas is currently available for grant of quarrying lease; and the quarrying leases surrounding the applied area, grey granite (ornamental stone) mining is being carried on.

4. Insofar as the contention that only 4 acres and 17 guntas is available, the petitioner is willing to accept a quarry lease over the lesser area, and in regard to the possibility of a grey granite ornamental stone in the applied area, the petitioner undertakes that if grey granite is found, necessary action may be initiated under Rule 3(E) of the KMMC Rules.

5. *Prima facie*, the aforesaid two contentions will address the objections raised by the learned Additional Government Advocate.

6. The learned Additional Government Advocate seeks time to confirm the same."



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11. The learned Additional Government Advocate has not advanced any objections to the petitioner's claim for grant of quarry lease for an area to the extent of 4 acres and 17 guntas or a lesser area, after excluding an area for maintaining the boundary between other leases. The learned counsel appearing for the petitioner reiterated that if any grey granite (ornamental stone) is found during the quarrying activities, the petitioner would take necessary steps for applying for a licence/lease for the said mineral under Rule 3-E of the KMMC Rules. Thus, ensuring no loss of royalty to the Government.

12. The learned Additional Government Advocate fairly states that she has no objections to the aforesaid and the court may pass the appropriate order.

13. In view of the above, we dispose of the present petition by directing the Director and Deputy Director, DMG, to consider the grant of quarry lease over a lesser area, as feasible, falling in Survey No.4 of Gummalapura Village for extraction of building stone. In the event any other specified mineral is found during the course of the quarrying activities, the petitioner will take necessary



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steps to apply under Rule 3-E of the KMMC Rules and will ensure that there is no loss of royalty to the State on this ground.

14. The petition is disposed of in the aforesaid terms

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

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

AHB
List No.: 2 SI No.: 15