



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH 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. 37250 OF 2025 (GM-MM-S)

BETWEEN:

1. SRI K RAJU
S/O LATE KEMPEGOWDA
AGED ABOUT 58 YEARS
NO.125, G KEBBAHALLI - 571 446
KERAGODU HOBLI
MANDYA TALUKA
MANDYA DISTRICT

Digitally
signed by
SRIDEVI S

Location:
High Court
of Karnataka

...PETITIONER

(BY SRI RAVEENDRA GAJANAN KOLLE, ADVOCATE A/W
SRI RAJESH BHAT, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY
R.NO. 320, 3RD FLOOR
VIDHANA SOUDHA



DR. B.R. AMBEDKAR VEEDHI
BENGALURU - 560 001
EMAIL: cs@karnataka.gov.in

2. THE DIRECTOR AND COMMISSIONER
DEPARTMENT OF MINES AND GEOLOGY
NO.49, KHANIJA BHAVAN
RACE COURSE ROAD
BENGALURU - 560 001
EMAIL: dir-mines@karnataka.gov.in

3. THE DEPUTY DIRECTOR AND
COMPETENT AUTHORITY
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN
SPOORTHY LAYOUT
BADDIHALLI RING ROAD
TUMKURU
TUMKURU DISTRICT - 572 104
EMAIL: dmgtumkur@gmail.com

4. THE DEPUTY COMMISSIONER
O/O THE DEPUTY COMMISSIONER
MINI VIDHANA SOUDHA
TUMKUR DISTRICT
EMAIL: dctumkur-ka@nic.in

...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 ORDER OR DIRECTION DIRECTING TO QUASH OR SET ASIDE THE IMPUGNED COMMUNICATION DATED 05/12/2025 AT NO.GaBhuE/UNiTu/KaGaGu-920/2024-25/5780 ISSUED BY THE 3RD RESPONDENT DEPUTY DIRECTOR AND COMPETENT AUTHORITY, PRODUCED AT ANNEXURE-A, WHEREBY, THE PETITIONER'S REQUEST DATED 02/12/2025 PRODUCED AT ANNEXURE-C FOR MODIFICATION OF THE ORDER OF SUSPENSION DATED 13/11/2025 PRODUCED AT ANNEXURE-D IS REJECTED 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 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 the communication dated 05.12.2025, issued by respondent No.3 (Deputy Director), whereby the petitioner's request for modification of the order of suspension dated 13.11.2025 was rejected.

2. The petitioner states that he entered into an agreement dated 06.01.2019 with the owners of land falling in Survey No.49/1 and 49/2 of Kolaghatta village, Kasaba Hobli, Turuvekere Taluk for quarrying operations, to the extent of two (02) acres. He had also entered into a separate agreement dated 13.01.2019 with the owner of the land, to the extent of two (02) acres falling in Survey No. 55, for carrying on quarrying operations. The petitioner claims that the legal representatives of the land owner (Sri Shivanjapa who was a party to the said agreement dated 13.01.2019) have also filed an impleading application in the present petition.



The said Sri. Shivananjapa had executed a general power of attorney dated 27.02.2019 in favour of the petitioner, conferring upon the petitioner the authority to carry on quarrying activities.

3. On the basis of the aforesaid interest, the petitioner submitted an application dated 28.02.2019 under the Karnataka Minor Mineral Concession Rules, 1994 [**the Rules**] for carrying on mining activities to the extent of 4 acres falling in Survey Nos.49/1, 49/2 and 55 of Kolaghatta Village, Turuvekere Taluk.

4. Respondent No.4 (Deputy Commissioner) passed a conversion order dated 26.08.2021 for the conversion of land falling in Survey Nos. 49/1 and 49/2 for quarrying purposes. Thereafter, on 19.01.2022, quarry lease (QL No.920) was executed and registered in favour of the petitioner in respect to the subject land, i.e., land to the extent of 4 acres. The term of lease was 20 years.

5. Certain disputes have arisen in respect of the legality of the lease to the extent of 2 acres falling in Survey No.55. On 16.09.2022, the Deputy Director issued an order confining the quarrying operations to Survey No. 49/1 and 49/2. We consider it



apposite to refer to the operative part of the said order, which reads
as under:

"Quarry License Corrigendum Order

So.GaBhuE/UniThu/KaGaGu-920/Thiddupadi
Aadesha/ 2022-23-2694-99

Date: 16.09.2022

As explained in the preamble, the order granting the Quarry License vide Quarry License No: 920 Dated: 19.01.2022 valid for a period of 20 years in favour of Mr. Raju K Bin Late Kempegowda for a total extent of 4-00 Acres of Patta Land bearing Survey No. 49/1, 49/2 and 55 of Kolaghatta Village, Turuvekere Taluk, Tumkur District has been withdrawn and restricted only to the area wherein Land conversion Order has been issued by the Deputy Commissioner. Accordingly, Quarry License Corrigendum Order has been passed with the condition that the Quarrying activities should be carried out only in an extent of 1-00 acres out of 2-00 A/Gu of Survey no. 49/1, and in an extent of 1-00 Acre out of 2-08 A/Gu of Survey no 49/2 total area of 2-00 in Kolaghatta Village, Kasaba Hobl, Turuvekere Taluk

TERMS AND CONDITIONS

- 1) Subject to the Karnataka Minor Mineral Concession Rules-1994 and its amendment rules, Conditions in the Environmental Clearance Certificate and the Terms of the License Deed. It is notified that in case of failure to comply with the said rules, appropriate action will be taken and the License will be cancelled without any warning.
- 2) If there is any discrepancy between the area in the contract map and the GPS reading, then the decision of the Government should be made to take the mining License area through DGPS/Total Station/Drone or any other appropriate survey work to determine the



amount of minerals produced and transported in the License area inside/outside the License area.

3) It is notified that, the Quarrying activities using explosives should be carried out after obtaining permission from the Director General Mines and Safety (DGMS) as per the Explosive Rule 1983 and Indian Explosive (Act-1984) Central Act 4 of 1884.

4) It is notified that Quarrying activities should be carried out after the Construction of wire fence/barrier in the license area and leaving out 7.5-meter buffer zone in the mining area, to carry out the mining operation and construction of benches in the quarry license.

5) It is instructed that Quarrying activities should be carried out only in the converted land to an extent of 1-00 acres out of 2-00 A/Gu in Survey no. 49/1, and in an extent of 1-00 Acre out of 2-08 A/Gu in Survey no 49/2, total area of 2-00 Acres.

6) It is instructed to immediately suspend the quarrying activities over an area of 2-00 acres in Survey No. 55, since, the land conversion order passed by the Deputy Commissioner has not been submitted. It instructed to, suspend the quarrying activities in Survey no. 55 over an extent of 2-00 acres Kolaghatta Village, until the land conversion order for the said area is obtained and submitted to the office. Failing which Legal action will be initiated.

6. The aforesaid order was premised on the basis that there was no conversion of land falling in Survey No.35."

7. On 12.12.2023, the Deputy Commissioner issued a conversion order in respect of the 2 acres of land falling in Survey No.55. The petitioner claims that in view of the said order, all



statutory approvals for land to the extent of 4 acres are available. Apparently, the said conversion order was the subject matter of challenge before the Karnataka Appellate Tribunal [KAT] in Application No.373/2025. On 06.11.2025, the KAT granted an *ex parte* interim stay of the conversion order dated 12.12.2023 pertaining to land falling within Survey No. 55.

8. In view of the above, respondent No.3 issued an order dated 13.11.2025 suspending the quarrying operations in respect of the subject land (land to the extent of four acres). The petitioner represented against the said order, *inter alia*, on the ground that there was no dispute with regard to land falling in Survey No.49/1 and 49/2 and therefore, the order suspending the quarrying operations was required to be confined to lands falling in Survey No.55 and not the two acres of land falling in Survey No.49/1 and 49/2. The petitioner essentially sought that the suspension of the quarrying operations be restricted on similar lines as the order dated 16.09.2022.

9. Since the said request was not considered, the petitioner filed a petition being WP.No.35485/2025(GM-MM-S), which was



disposed of by this Court by order dated 27.11.2025, directing the respondent No.3 to consider the petitioner's representation within the time as stipulated.

10. Pursuant to the said order, the petitioner furnished a fresh representation, requesting that the suspension order be confined to land falling in Survey No.55. However, the said representation was dismissed in terms of the impugned order by the Deputy Director.

11. It is relevant to note that the allegation against the petitioner is that he obtained the conversion order of land measuring 2 acres falling in Survey No.55 based on a power of attorney, which is fabricated/forged. The landowner/applicant in review application No. 373/2025 claims that he had not issued any such power of attorney and, therefore, the two acres of land falling in Survey No. 55 could not be converted. The said dispute is pending consideration, and the impugned order is an interim arrangement pending the final decision on the fate of the quarry license.

12. After some arguments, the learned Additional Government Advocate submits that there would be no issue in confining the impugned order to the land falling in Survey No.55. He however



submits that in accordance with Rule 8(5) of the Rules, the quarrying plan was submitted and approved in respect for the combined area of 4 acres, comprising of 1 acre out of 2 acres in Survey No.49/1; 1 acre out of 2.08 acres falling in Survey No.49/2 and 2 acres falling in Survey No.55 of Kolaghatta Village, Kasaba Hobli, Turuvekere Taluka, Tumkur District. He submits that since the quarrying plan was in respect of the entire extent of 4 acres, in absence of any quarrying plan confining the mining activities to 2 acres, the quarrying activities could not be permitted only to the extent of 2 acres. He also submits that if the quarrying activities are confined to the lands falling in Survey No.49/1 and 49/2, a separate environmental approval may be required from the State Environmental Impact Assessment Authority.

13. Insofar as the quarrying plan is concerned, the learned counsel for the petitioner said that the petitioner would furnish a fresh quarrying plan confining the quarrying activities to the extent of two (02) acres falling in Survey No. 49/1 and 49/2. He shall also furnish an undertaking that he will not carry on any activities in respect of an area falling in Survey No.55, and ensure that the said area is not damaged or adversely affected in any manner.



14. Insofar as the environmental approval is concerned, since there exists an environmental approval for an area of four (04) acres and the temporary measure is to restrict the mining activities to only 2 acres, no further environmental clearance would be necessary at this stage. We further direct that, in the event a separate mining plan is submitted within one week from today, an appropriate decision be taken within three weeks thereafter. If there are no objections to the said plan, it will be approved. We also clarify that this is an interim arrangement till the final decision is taken regarding the conversion order obtained by the petitioner in respect of the lands falling in Survey No. 55. The present order is also without prejudice to the rights and contentions of the parties before the KAT. The present order would not preclude the concerned authorities from examining the dispute and taking an appropriate decision in accordance with law. The applicant seeking implemement in this petition has no objection to the interim arrangement.

15. We also note that certain typographical errors have crept in the order dated 10.12.2025, in as much as it proceeds on the basis that the dispute is confined to the lands falling in Survey No.49/1



and 49/2 and not the lands falling in Survey No.55. However, the same is an error, as the dispute relates to two (02) acres of land falling in Survey No.55 and there is no dispute regarding areas falling in Survey No.49/1 and 49/2. The said order be read as rectified accordingly. The present petition is disposed of in the aforesaid terms.

16. The pending application is also disposed of.

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

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

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List No.: 2 Sl No.: 31