



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH 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. 37445 OF 2025 (GM-MM S)

BETWEEN:

M/S. TCS TRENDING CORPORATION
AMINGAD TALUK:
HUNGUND BY ITS PARTNER,
MAHANTESH S TATRANI,
AGE MAJOR,
OCC BUSINESS,
R/O. AMINGAD, TALUK HUNGAUND,
DIST BAGALKOT-587 112.

...PETITIONER

(BY SRI. V S HEGDE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF MINES AND GEOLOGY,
VIKASA SOUDHA,
BANGALORE-560 001.
2. DEPUTY DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY,
KHANIJA BHAVANA,
H.D. KUMARSWAMY LAYOUT,



BAUXITE ROAD,
BELAGAVI-590 019.

...RESPONDENTS

(BY MS. NILOUFER AKBAR, AGA)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION AND QUASH THE ORDER PASSED BY THE 2ND RESPONDENT DIRECTOR OF MINES AND GEOLOGY BEARING NO. GA.BHU.WO.BEV.KAGAGU.PA.MARALU 2025-26/1458 APPLICATION DATED 27/05/2025 PRODUCED AT ANENXURE-M 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 impugning an order dated 27.05.2025, passed by the Office of Deputy Director, Department of Mines and Geology [respondent No.2]. In terms of the said endorsement, the petitioner's application for grant of a quarry license was rejected in respect to the land measuring 9



acres falling in Survey No.16/1 and 17 of Chikka Tadasi Village, Ramdurga Taluk, Belgaum.

2. The petitioner claims that the said land comprises of two parcels measuring 3 acres and 35 guntas belonging to one Hanamanthagouda S/o Shivanagouda Naikar falling in Survey No.16/1 and lands measuring 5 acres and 5 guntas belonging to one Chuchappa Yallappa Halli, falling in Survey No.17. The petitioner states that he had entered into consent agreement with the said owners to carry on quarrying activities on the land and thereafter, applied for a quarry lease for mining ordinary sand in respect of total area measuring 9 acres. The petitioner claims that he obtained the no-objection certificate from the Department of Groundwater, the Tahsildar, Public Works Department, the Forest Department and the Survey Department. He stated that after a joint survey was conducted, the reports were sent to the Task Force for consideration of grant of a quarry license in terms of the law. However, respondent No.2 had returned the same for re-considering whether the subject land was a part of the revenue lands. The petitioner states, thereafter the Tahsildar, Talati, Revenue Inspector, three Geologists and five Panchas conducted



a survey and submitted a report dated 06.02.2023 on the land in question. He submits that Drone survey was also conducted to fix the boundaries of the subject land. Notwithstanding the said reports, respondent No.2 has issued an endorsement, declining to grant the permission. The petitioner states that the decision to do so is based on Google Earth images, which are unverified. He submits that respondent No.2's conclusion that the subject land falls in the riverbed of Malaprabha river is ex-facie erroneous and is contrary to the other reports.

3. The findings recorded in the said endorsements are set out in the impugned order. The relevant extract of the said order reads as under:

"The field studies shown that, the applied area forms part of river meander of Malaprabha main stream and it shall be ascertained on the ground through joint survey. Remaining aspects covered under the present investigation are as follows:

1. Verification of the records and field inspection revealed that the area applied for sand mining covers part of the river meander.

2. Safety margins shall be maintained if the sand mining is granted over the applied area.

As per the field visit, it can be concluded that, Kit is not advisable for grant of sand mining



as the applied area is covered by a meander of Malaprabha main stream. Accordingly further course of action can be taken to dispose application.

As per the recommendation of the site inspection report of the Joint Director, the said proposal has been returned as the applied area falls in the active flow path of the river as per Rule 31-Z(4) of the Karnataka Minor Mineral Concession (Amendment) Rules-2021 and there is no provision in the rules to grant permission for sand mining.

Hence, as per the above mentioned rule, as there is no scope for granting sand mining rights for the said area, the said application has been rejected and the following order has been issued."

4. The petitioner's contention that the said conclusion is based purely on Google Maps, which are unverified is erroneous. The endorsement indicates, that the joint survey was conducted and the survey report dated 17.06.2022 was issued. The latitude and longitude coordinates of the joint survey map were plotted on Google Earth and that revealed that the area was located on the Malaprabha river. It was noted that the said river flows in two branches and the river has formed a steep bend due to accumulation of sand over time and the water flow is suspended.



5. In this regard, clarification was also sought as to whether it is a sand deposit or an active flow path of the river. The geologists had physically inspected the site and had submitted a report dated 22.11.2022. It was reported that water is stagnant in the western part of the land, falling in Survey No.16/1 and 17 and the said water stands over an area spanning 1.10 acres. Enquiries were also made from the locals and they had submitted that Malaprabha river has been shifting its course over time and is flowing in the west direction. During floods, the water flows when the Naviluthirtha reservoir is discharged. However, the area is not part of the active flow path.

6. In view of the said information, once again a site inspection was conducted to ascertain whether the subject land is at a safe distance of 50 mtrs. from the riverbed as required under Rule 31-Z(2), and whether the said land falls in the flow path of the river as required to be ascertained under Rule 31-Z(4) as per the Karnataka Minor Mineral Concession (Amendment) Rules-2021. Thereafter, the Joint Director, Bangalore, had inspected the site and submitted a report dated 06.02.2023. It is on that basis,



respondent No.2 had recorded the findings as are set out herein before.

7. In view of the above, it is apparent that the endorsement is based on factual findings. We find no ground to interfere with the same. Petition is accordingly dismissed.

8. All pending applications are also disposed of.

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

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