IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 4105 OF 2026 (GM-MM S)

BETWEEN:

1. KHALID AHAMED
S/O. AHAMED
AGED ABOUT 64 YEARS
RESIDING AT CHEROOTH HOUSE
MEPPADAM, MAMBAD
MALAPPURAM DISTRICT
KERALA

2. ABDUL KADER PAZHAYERI
S/O. MOLDEEN P
AGED ABOUT 58 YEARS
RESIDING AT PAZHERI HOUSE
KARUVANKALLU
PERUVALLUR
MALLAPURAM DISTRICT
KERALA

Digitally signed by VEERENDRA KUMAR K M
Location: High Court of Karnataka

3. ALTAF KHALID AHAMED
S/O. KHALID AHAMED ERANHIKKAL
AGED ABOUT 32 YEARS
RESIDING AT CHEROOTH HOUSE
MEPPADAM, MAMBAD
MALAPPURAM DISTRICT
KERALA

4. T.P. SHIHAB
S/O. ALI
AGED ABOUT 51 YEARS
RESIDING AT CHELAPPURATH
CHERUVADY PO
MAVOOR VIA, PERUVAYAL
KOZHIKODE - 673 661

5. H.S. SOMASHEKAR,
S/O. H.M. SWAMY
AGED ABOUT 56 YEARS
RESIDING AT NO. 124
9TH CROSS, 11TH MAIN
SARASWATHIPURAM
MYSORE

6. T.V. PETER
S/O. VARGHESE
AGED ABOUT 42 YEARS
RESIDING AT THANALIMALIL
KUMBLERI POST, KRISHNAGIRI
WAYANAD
KERALA - 673 591

…PETITIONERS

(BY SRI RAJESWARA P.N., ADVOCATE)

AND:

1. THE DIRECTOR AND CONTROLLING AUTHORITY
NO.49, KHANIJA BHAVAN
RACE COURSE ROAD
BENGALURU - 560 001.

2. THE DEPUTY DIRECTOR AND
COMPETENT AUTHORITY
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN

RACE COURSE ROAD
BENGALURU - 560 001

3. B.K. REKHA
W/O. K. RAJU
AGED ABOUT 61 YEARS
RESIDING AT G. KEBBAHALLI
KERAGODU HOBLI
MANDYA DISTRICT

…RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R1 & R2; &
SRI RAVINDRA GAJANAN KOLLE, ADVOCATE FOR R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ENDORSEMENT DATED 05/12/2025 AT ANNEXURE - A AND TO DIRECT THE RESPONDENT NOS.1 AND 2 TO IMMEDIATELY ACTIVATE THE ILMS SERVICES AND TO ISSUE PRIMARY AND SECONDARY MINERAL DISPATCH PERMITS PERTAINING TO QUARRY LEASE NO.917 AND STONE CRUSHER LICENSE NO.TMKSC 91 IN SY.NO.36, BUDANAHALLI VILLAGE, KUNIGAL TALUKA 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 petitioners have filed the present petition impugning an endorsement dated 05.12.2025, rejecting their request for provision of ILMS software ID and passwords relating to quarry lease No.917 and Crusher licence No.TMKSC 91 on the ground that the petitioners are not the crusher/quarry lease owners.

2. It is the petitioners' case that one R.S.Mahesh and respondent No.3 had constituted a partnership business on 25.05.2018 in the name of M/s Sri Maruthi Stone Crushers. It is stated that the said partnership was reconstituted on 25.07.2023 and a partnership deed was entered into. The said firm was also registered with the Registrar of Firms on 24.05.2024. Thereafter on 24.06.2024, respondent No.3 entered into an agreement with one Sri T.V.Peter to transfer 20% share in the partnership which included her 17% share and 3% share of another partner named Muhammed Asraf.

3. The petitioners claim that thereafter, on 14.08.2025, petitioner No.6 and Sri Asraf entered into another agreement whereby Sri Asraf assigned his entire share in the partnership in favour of petitioner No.6.

4. Apparently certain disputes have arisen with regard to the business of the said partnership firm. It is stated that since the partnership agreement included an arbitration clause, the petitioners filed an application under Section 9 of the Arbitration and Conciliation Act, 1996 before the learned Commercial Court at Tumakuru (A.A.No.3/2025). The learned Commercial Court passed an order dated 26.11.2025 restraining respondent No.3 from interfering with the partnership business. On the strength of the said order, the petitioners claim that they are entitled to the login ID and passwords which were granted to respondent No.3. Accordingly, the petitioners made an application requesting the concerned authorities to provide the ILMS software login ID and passwords relating to the quarry lease No.917 as well as the crusher unit. However, the same was rejected by the impugned order.

5. While it would not be open for respondent No.3 to interfere in the business of the partnership, the concerned authorities are not obliged to grant permission to the petitioners to work the quarry lease in question as the same was not granted to them. The concerned authorities are not party to the proceedings before the learned Commercial Court. The scope of the proceedings before the Commercial Court also would not extend to bind the concerned

authorities to transfer the quarry lease or permit the petitioners to work the same. We are unable to fault the impugned endorsement merely on the ground that the petitioners have obtained interim measures of protection against respondent No.3.

6. The present petition is, accordingly, dismissed.

7. However, we clarify that this order will not preclude the petitioners from availing separate remedies as may be advised including seeking transfer of the quarry lease in question. Needless to state that if any such action or proceedings are initiated, the same would be considered by the concerned authority/Court, in accordance with law.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C.M. POONACHA)
JUDGE

KMV
List No.: 2 Sl No.: 20