RESERVED ON 24TH SEPTEMBER 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 4956 OF 2026 (GM-MM-S)

BETWEEN:

1. SRI G. ASHOK KUMAR
   S/O B. GOVINDARAJU
   AGED ABOUT 57 YEARS
   N.M.C. MAIN ROAD
   BHADRAVATI TOWN
   SHIVAMOGGA DISTRICT - 577 301

…PETITIONER

(BY SRI S.S. MAHENDRA, ADVOCATE)

AND:

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

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS
   PRINCIPAL SECRETARY (MINES)
   DEPARTMENT OF COMMERCE AND INDUSTRIES
   VIKAS SOUDHA, 1ST FLOOR
   BENGALURU - 560 001

2. THE DIRECTOR
   DEPARTMENT OF MINES AND GEOLOGY
   KHANIJA BHAVAN
   RACE COURSE ROAD
   BENGALURU - 560 001

3. THE JOINT DIRCTOR (SOUTH ZONE)
DEPARTMENT OF MINES AND GEOLOGY
SOUTH ZONE OFFICE, I-BLOCK
RAMAKRISHNANAGAR
MYSURU - 570 022

4. SENIOR GEOLOGIST
DEPARTMENT OF MINES AND GEOLOGY
OFFICE OF SENIOR GEOLOGIST
KHANIJA SECTION
CHIKKAMAGALURU - 577 101

…RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION DIRECTING RESPONDENT NO.4 - SENIOR GEOLOGIST, DEPARTMENT OF MINES AND GEOLOGY, CHIKKAMAGALURU, TO CONSIDER AND PASS APPROPRAITE ORDERS ON THE PETITIONER'S REPRESENTATIONS DATED 18.09.2025 (ANNEXURE-A), 01.06.2023 (ANNEXURE-B) AND 19.07.2023 (ANNEXURE-C), AND TO CONSIDER QUARRY LEASE APPLICATION NO.19/2014-15 SEEKING GRANT OF QUARRY LEASE FOR EXTRACTION OF BUILDING STONE OVER AN EXTENT OF 5.00 ACRES IN SY.NO.185 OF MARLE VILLAGE, CHIKKAMAGALURU TALUK, CHIKKAMAGALURU DISTRICT, IN ACCORDANCE WITH RULE 8-B OF THE KARNATAKA MINOR MINERAL CONCESSION (AMENDMENT) RULES, 2023 AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, ORDER WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

C.A.V. JUDGMENT

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

1. The petitioner has filed the present petition, *inter alia*, praying as under:

> "a) Issue a writ of mandamus or any other appropriate writ, order or direction directing respondent No.4 - Senior Geologist, Department of Mines and Geology, Chikkamagaluru, to consider and pass appropriate orders on the petitioner's representations dated 18.09.2025 (annexure-A), 01.06.2023 (annexure-B) and 19.07.2023 (annexure-C), and to consider quarry lease application No.19/2014-15 seeking grant of quarry lease for extraction of building stone over an extent of 5.00 acres in Sy.No.185 of Marle village, Chikkamagaluru Taluk, Chikkamagaluru District, in accordance with rule 8-B of the Karnataka Minor Mineral Concession (amendment) Rules, 2023 and in accordance with law.
>
> b) Pass such other orders or Directions as this Hon'ble Court deems fit in the interest of justice and equity."

2. The petitioner had submitted an application dated 10.06.2014, seeking the grant of a quarry lease for the extraction of building stone (a minor mineral) over an area of 5.00 acres in Sy.No.185 of Marle village, Chikkamagaluru Taluk, Chikkamagaluru District, along with the prescribed fee.

3. Respondent No.4 (Senior Geologist, Department of Mines and Geology) rejected the application by an order dated 21.04.2016. The order states that the sketch submitted by the petitioner with the application was examined, and it was found that the area for which the quarry lease was sought overlapped with stone quarry lease No.446 and with an area applied for by another entity (Quarry Lease Application No.28/2014-15).

4. The petitioner took no steps to challenge the rejection of his application at that stage. However, about three years later, that is on 11.01.2019, the petitioner filed a revision petition under Rule 53(1) of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**] before the Joint Director, Department of Mines and Geology [**Revisional Authority**].

5. The Revisional Authority rejected the petitioner's revision petition by an order dated 04.01.2021. At the outset, the Revisional

Authority noted that the revision petition was filed after a delay of more than two years and eight months and therefore it could not be entertained. Additionally, the Revisional Authority found that the rejection order was in accordance with the principles of natural justice and with Rule 23 of the KMMC Rules. The Revisional Authority also observed that, by virtue of Rule 8B as substituted by the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, all applications received and pending for the grant of a lease or quarry licence became ineligible unless they were covered under Clauses (a) to (d) and d(1) of sub-rule (2) of Rule 8B of the KMMC Rules as then in force, and that the petitioner's application was not covered under any of the said clauses. The petitioner did not challenge the order dated 04.01.2021 at the material time.

6. The KMMC Rules were amended by the Karnataka Minor Mineral Concession (Amendment) Rules, 2023, and Rule 8B was substituted with effect from 17.03.2023. Rule 8B(1) of the KMMC Rules expressly provides that all applications received for grant of lease prior to the date of commencement of Karnataka Minor Mineral Concession (Amendment) Rules, 2016, shall become eligible.

7. Following the said amendment, the petitioner filed a representation dated 01.06.2023, requesting consideration of his application. This was followed by representations dated 19.07.2023 and 18.09.2025.

8. According to the petitioner, the substitution of Rule 8B by the Karnataka Minor Mineral Concession (Amendment) Rules, 2023 has the effect of reviving all the applications that were filed prior to 12.08.2016. The petitioner argues that since his application was filed prior to the said date, it was required to be considered notwithstanding that it was rejected on 21.04.2016.

9. Rule 3 of the KMMC Rules, *inter alia,* provides that no person shall undertake quarrying operations in respect of the minor minerals except in accordance with the terms and conditions of the quarrying lease granted under the KMMC Rules. Rule 8 of the KMMC Rules provides restrictions for the grant of any quarry lease.

10. Rule 8A of the KMMC Rules specifies that no area belonging to the State Government, which was previously held under quarry lease or in respect of which the lease deed lapsed under Rule 6 of the KMMC Rules or in respect of which the notification has been issued under sub-rule (3) of Rule 8, would be available for grant

unless the availability of the area for grant is notified in the Official Gazette.

11. Rule 8B of the KMMC Rules was substituted by virtue of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 with effect from 12.08.2016. The relevant extract of sub-rule (1) of Rule 8B and the relevant extract of sub-rule (2) of Rule 8B[1] as substituted with effect from 12.08.2016, is set out below:

> "**8-B. Status of applications received.**-(1) All applications received and pending for grant of lease or license prior to the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, shall become ineligible including the applications received for grant of mining leases of the minerals that are now classified as minor mineral.
>
> (2) Notwithstanding anything contained in sub-rule (1), the following shall remain eligible on and from the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, namely.-
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> (a) Applications received upon the notification issued under rule 8B existed before the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.
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> (b) Where the Committee that existed under the provisions of Rule 11 or District Task Force Committee has recommended for

[1] Excluding the provisos

grant of a quarrying lease or license for grant of mining lease, before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.

(c) Where in the case of minerals now re-classified as minor mineral by the Central Government by Notification No. S.O. 423(E), dated 10-2-2015, no objection certificates from revenue and forest departments and the approved mining plan from the Indian Bureau of Mines(IBM) have been received before commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.

(d) Applications received before 16-06-2015 and for which No Objection Certificate (NOCs) and reports as under sub-rule (5) of Rule 8 of these Rules have been received from the concerned departments before commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016; and

(e) These applications shall be considered for grant of quarrying lease or license, or otherwise as per the provisions that existed before the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 subject to fulfillment of the conditions specified for the same, if any and registration of leases or license deed within a period of twenty-four months from the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016."

12. It is clear from the above that all applications that were pending as on 12.08.2016 – that is on the date on which the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 came into force – were rendered ineligible. Sub-rule (2) of Rule 8B provided for an exception to sub-rule (1), and certain applications as specified would be excluded from being considered ineligible.

13. The petitioner remained unaffected by the substitution of Rule 8B, as his application had already been rejected prior to 12.08.2016 and no application submitted by him was pending on that date.

14. Rule 8B was further amended by Karnataka Minor Mineral Concession (Amendment) Rules, 2023 as notified on 17.03.2023. Sub-rules (1) and (2) of Rule 8B, as substituted with effect from 17.03.2023, read as under:

> "**8-B. Status of applications received.**- (1) Notwithstanding anything contained in Chapter IV-A, all applications received for grant of lease prior to the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, shall become eligible including the applications received for grant of mining leases of the minerals that are now re-classified as minor mineral by the Central Government by Notification No. S.O. 423(E), dated 10-2-2015:

> Provided that, Applications received for grant of lease prior to the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, for which no objection certificates and reports are received before commencement of these rules as per sub-rule (5) of Rule 8 shall be considered for grant of quarry lease by the Competent Authority:
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> Provided further that, Applications received and pending for grant of lease prior to the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, for which no objection certificates and reports are not received before commencement of these rules, the Competent Authority shall consider such applications for grant of quarry lease after obtaining no objection certificates and report as per sub-rule (5) of Rule 8.
>
> (2) These applications may be consider for grant of quarrying lease in Form-GL by the Competent Authority as per the provisions of these rules and dispose the application within twenty-four months from the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2023."

15. It is clear from the above that the effect of sub-rule(1) of Rule 8B is to revive consideration of the applications that were considered ineligible by virtue of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016. As noted above, the petitioner's application was not pending as on the said date and had

been considered and rejected prior to 12.08.2016. Rule 8B(1) of the KMMC Rules, as substituted from 17.03.2023, does not revive the petitioner's application.

16. As noted earlier, the petitioner had filed a revision petition under Rule 53(1) of the KMMC Rules, which was dismissed on the ground that it was filed beyond sixty days (the period stipulated under the KMMC Rules for filing the revision petition from the date of communication of the order).

17. The Revisional Authority further observed that all applications received and pending before 12.08.2016 for the grant of a quarry lease had become ineligible by virtue of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, and that the petitioner's application was not covered by the relevant clauses of sub-rule (2) of Rule 8B, which excluded certain applications from the scope of Sub-rule (1) of Rule 8B of the KMMC Rules as then in force. It is apparent that the Revisional Authority made these observations as at the material time, there was no scope for entertaining the petitioner's application by virtue of the statutory amendment to the KMMC Rules. The decision does not imply that the petitioner's application was live on the date of the amendment,

that is, on 12.08.2016. The observations also do not imply that the Revisional Authority declined the revision petition on the ground that the petitioner's application was ineligible under Rule 8B(1) of the KMMC Rules, as substituted by the amendment dated 12.08.2016. The Revisional Authority found that the revision petition was filed belatedly and, therefore, at the outset, held that the revision petition could not be entertained.

18. In view of the above, the present petition is without merit, and there is no scope for the concerned authorities to reconsider the petitioner's application for the grant of quarry lease, as it was rejected on 21.04.2016.

19. The petition is unmerited and is accordingly dismissed.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

KMV