HC-KAR
NC: 2026:KHC:64375-DB
WP No. 4834 of 2023
CNR: KAHC010111092023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH 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.4834 OF 2023 (GM-MM_S)

BETWEEN:

M/S. SWARNA ADITYA GOLD REFINERY
AND RESOURCES PVT. LTD.,
BY ITS DIRECTOR,
HARISHREE MEHTA,
AGED ABOUT 46 YEARS,
R/O AT 1ST FLOOR, FLAT NO.F2,
PLOT NO.141, AT TAQWA RESIDES,
CTS NO.4857/91, SADASHIVANAGAR,
BELAGAVI-590001.

...PETITIONER

(BY SRI. SHIVALLI SHIVAYOGI YALLAPPAGOUDA, ADVOCATE)

Digitally signed by
MAHALAKSHMI B M
Location: High Court
of Karnataka

AND:

1. STATE OF KARNATAKA
   REP. BY ITS CHIEF SECRETARY
   VIDHAN SOUDHA, BENGALURU,
   BENGALURU-560001.

2. THE SECRETARY TO GOVT.
   DEPT. OF COMMERCE AND INDUSTRIES,
   VIKASA SOUDHA, BENGALURU
   BENGALURU-560001.

3. THE DIRECTOR AND COMMISSIONER,
   DEPARTMENT OF MINES & GEOLOGY,
   KHANIJA BHAVAN, RACE COURSE ROAD,
   BENGALURU-560001.

4. THE DEPUTY DIRECTOR AND COMPETENT AUTHORITY
DEPARTMENT OF MINES & GEOLOGY,
HD KUMARASWAMY LAYOUT
BAUXITE ROAD, BELAGAVI-590001.

5. THE CHIEF CHEMICAL ANALYST,
DEPARTMENT OF MINES AND GEOLOGY,
NO.49, KHANIJA BHAVAN,
RACE COURSE ROAD,
BENGALURU-560001.

6. THE CONTROLLER OF MINES
SOUTH ZONE, INDIAN BUREAU OF MINES,
INDUSTRIAL SUBURB, 2ND STAGE,
TUMKUR ROAD, YESHWANTHPURA,
BENGALURU-560022.

…RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-1 TO R-5;
SRI. S.V. DESAI, CGC FOR R-6)

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 TO QUASH OR SET ASIDE AND STRUCK DOWN THE NEWLY INSERTED ENTRY NO.33(i) AND (ii) OF SCHEDULE II TO RULE 36(1) OF KARNATAKA MINOR MINERAL CONCESSION RULES, 1994 & AMENDMENT RULES, 2020, INCORPORATIVE THE WORDS INTO BRACKET viz., "BELOW THRESHOLD VALUE AS SPECIFIED BY IBM FROM TIME TO TIME" BY WAY OF GAZETTE NOTIFICATION AT NO.CI 115 MMN 2019, DATED 30.06.2020 PRODUCED ANNEXURE-N AS UNCONSTITUTIONAL AND ULTRA VIRES THE PROVISIONS OF MINES & MINERALS (DEVELOPMENT & REGULATION) ACT, 1957 (CENTRAL ACT NO.67 OF 1957), MINERAL CONSERVATION & DEVELOPMENT RULES, 2017 AS WELL AS MINERALS (EVIDENCE OF MINERAL CONTENTS) RULES, 2015 AND ETC.

THIS PETITION, COMING ON FOR FINAL 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, *inter alia*, seeking to challenge the Entry Nos.33(i) and (ii) of Schedule-II to Rule 36(1) of the Karnataka Minor Mineral Concession Rules, 1994, as amended [**the KMMC Rules**]. The petitioner also impugns the endorsement dated 17.11.2022, rejecting the petitioner's application for grant of a quarry lease. The petitioner prays that directions be issued to the respondent authorities to grant and execute a quarry licence in favour of the petitioner for extracting laterite over an area of 11 acres of patta land falling in Sy.No.98, Belavatti Village, Belagavi Taluk and District [**the subject land**].

2. The petitioner filed an application [AQL dated 26.07.2021] seeking a quarry licence for extracting laterite stone from the subject land. The said application was rejected by the impugned endorsement dated 17.11.2022.

3. A plain reading of the said endorsement indicates that the application was rejected on the basis of chemical analysis reports, which indicated that the alumina, (Al_2O_3) content in some of the

samples exceeded 20%. Thus, the aluminous laterite would fall within the definition of bauxite under the notification dated 25.04.2018, which specifies the threshold value of Al_2O_3 as 20% for the mineral to be classified as bauxite. The endorsement also refers to the decision of the District Task Force Committee dated 07.07.2022, to treat the areas bearing ferruginous and aluminous laterite in Belagavai and Khanapura Taluks as a Reserve Zone.

4. The learned counsel appearing for the petitioner does not press the challenge to the validity of Entry Nos.33(i) and (ii) of Schedule-II to Rule 36(1) of the KMMC Rules and has confined the present petition to challenging the impugned endorsement dated 17.11.2022. He referred to the said endorsement, which indicates that the chemical analysis of some of the samples collected from the subject land revealed that the Al_2O_3 content was 16.92% and 14.83%, respectively, which were below the threshold value prescribed by the Indian Bureau of Mines [**the IBM**] for the mineral to be classified as bauxite.

5. A plain reading of the said endorsement also indicates that the chemical analysis of the samples collected from the subject land had yielded varying results.

6. The learned counsel for the parties submit that the present petition may be disposed of in terms of the directions issued by this Court in **Shagufta Begum v. The State of Karnataka**[1]. In the said case, having regard to the controversy as to whether the minerals extracted from certain licensed areas exceeded the prescribed threshold value, this Court directed the State to analyse the samples drawn and take an informed decision. The operative part of the said order reads as under:

> "12. The learned Government Advocate has filed a memo enclosing therewith a letter dated 25.06.2026, which indicates that samples have been drawn from the quarry leases granted to the petitioners and other such similar leases. He also submits that the chemical composition of the said samples would be analysed and if the Al_2O_3 content or Fe content is below the threshold value, the access to ILMS portals would be allowed and the petitioners could carry on the activities. However, if the chemical composition of the samples indicates that the Al_2O_3 or Fe content is higher than the threshold value, the leases would be required to be cancelled.

[1] W.P.No.16816/2026 and connected matters D.D 28.07.2026

13. The learned Government Advocate also states that the same would be communicated to the petitioners on or before 10.08.2026.

14. In view of the above, the present petitions are disposed of by directing the State to take an informed decision and communicate the same to the petitioners on or before 10.08.2026."

7. In view of the above, the impugned endorsement dated 17.11.2022 is set aside. We direct the State to take fresh samples from the subject land and analyse the same to determine whether the Al_2O_3 content therein exceeds the threshold value of 20%. In the event the results indicate that the Al_2O_3 content is below the prescribed threshold value, the State shall consider the petitioner's application for grant of quarry licence in respect of the subject land in accordance with law. The decision shall be communicated to the petitioner within a period of twelve weeks from today.

8. The petition is disposed of with the aforesaid directions.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

AT
List No.: 1 Sl No.: 25