HC-KAR

NC: 2026:KHC:59665-DB
WP No. 23141 of 2026

CNR: KAHC010513452026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 23141 OF 2026 (GM-MM-S)

BETWEEN:

1. SHRI M.B. ODEGOWDA
   S/O LATE M.T. BASAVANAGOWDA
   AGED ABOUT 41 YEARS
   PROPRIETOR OF M/S NANDI STONE CURSHER
   R/AT U. BEVINAHALLI, UCHANGIDURGA
   HARAPANAHALLI TALUK
   VIJAYANAGARA DISTRICT – 583 XXX

…PETITIONER

(BY SRI BHADRAVADI SIDDESWARA, ADVOCATE)

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

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY
   DEPARTMENT OF COMMERCE AND INDUSTRIES
   KHANIJA BHAVANA
   RACE COURSE ROAD
   BENGALURU – 560 001

2. THE DIRECTOR / SENIOR GEOLOGIST
   DEPARTMENT OF MINES AND GEOLOGY
   KHANIJA BHAVANA
   RACE COURSE ROAD
   BENGALURU- 560 001

3. THE SENIOR GEOLOGIST
OFFICE OF THE SENIOR GEOLOGIST
DEPARTMENT OF MINES AND GEOLOGY
VIJAYANAGARA DISTRICT
SADASHIVANAGAR
M.P.PRAKASH NAGAR, HOSAPETE
VIJAYANAGARA DISTRICT - 583 201

4. KARNATAKA STATE REMOTE SENSING
APPLICATIONS CENTRE (KSRSAC)
DEPARTMENT OF PERSONNEL AND
ADMINISTRATIVE REFORMS (E-GOVERNANCE)
DODDABETTAHALLI
MAJOR SANDEEP UNNIKRISHNAN ROAD
BENGALURU – 560 097
REPRESENTED BY ITS DIRECTOR

…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 APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED DEMAND NOTICE BEARING No.Hibhuvi/Gabhuiho/2026-27/580 DATED 11.05.2026 ISSUED BY RESPONDENT No.3 (ANNEXURE-E) & ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CNR: KAHC010513452026

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 learned Government Advocate accepts notice for the respondents.

2. The petitioner has filed the present petition impugning a demand notice dated 11.05.2026 issued under Rule 44A of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**] calling upon the petitioner to pay balance amount of Rs.2,80,83,160/-, for extracting and transporting 3,50,085 metric tons of building stone by encroached mining.

3. One of the grounds on which the petitioner has challenged the impugned notice is that it was issued without affording the petitioner an opportunity to be heard.

4. The learned Government Advocate fairly states that the impugned demand notice may be considered as a show-cause notice and the concerned authority shall pass an order after following the principles of natural justice.

5. The petitioner may file a response to the said demand notice within a period of two weeks from date.

6. Given the circumstances, we direct that the impugned demand notice dated 11.05.2026 be considered as a show-cause notice and respondent No.3 shall consider the petitioner's response to the said notice and pass a final order after affording the petitioner an opportunity of hearing.

7. We clarify that all rights and contentions of the parties are reserved including the petitioner's contention that the one time settlement [**OTS**] as contemplated under Rule 44A of the KMMC Rules, is voluntary and at the option of the lease/licence holder.

8. The petition is disposed of in the aforesaid terms.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

KMV
List No.: 2 Sl No.: 20