HC-KAR

NC: 2026:KHC:60182-DB
WP No. 25613 of 2026

CNR: KAHC010570222026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH 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.25613 OF 2026 (GM-MM_S)

BETWEEN:

SRI RAGHAV REDDY
AGED ABOUT 43 YEARS
RESIDING AT REDDY NILAYA
BASAVESHWARA NAGAR
SHAHAPUR TALUK,
YADGIRI DISTRICT.

...PETITIONER

(BY SRI. NAGENDRA R., ADVOCATE)

AND:

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

1. THE ASSISTANT TRANSPORT OFFICER
   REGIONAL TRANSPORT AUTHORITY,
   KALABURAGI RAJPUR CROSS,
   SEDAM ROAD KALABURAGI,
   KARNATAKA - 585105.

2. DEPUTY DIRECTOR
   DEPARTMENT OF MINES AND GEOLOGY
   MINI VIKAS SOUDHA, ROOM NO.27
   STATION ROAD, KALABURAGI
   KARNATAKA - 585102.

...RESPONDENTS

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

CNR: KAHC010570222026

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 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 DATED 11.03.2026 PASSED BY THE RESPONDENT NO.1 AS PRODUCED AT ANNEXURE-A TO THE WRIT PETITION 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 MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

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

1. The petitioner has filed the present petition impugning a communication dated 11.03.2026 of the Deputy Transport Commissioner, Kalaburagi to the Deputy Director, Department of Mines and Geology, Kalaburagi.

2. The said communication indicates that while inspecting the vehicle bearing No.KA33B3300 (HGV), it was noticed that there was a pending check report. The said report alleges that the vehicle had been carrying 27,150 Kgs of sand. Accordingly, the

Deputy Director (DMG) was requested to recover royalty for carrying 27,150 Kgs and to forward a copy of the challan. The petitioner disputes the said allegation. He states that he had used the vehicle in question for transportation of sand. On 25.08.2024 when the vehicle was in transit carrying 25 Tonnes of sand, it was temporarily parked near Crystal Palace Hotel, National Highway No.50, Vijayapura-Kalaburagi Highway, for unloading the sand on the next day. The petitioner claims that on 26.08.2024, the sand was unloaded at the respective place and the vehicle had returned.

3. The learned counsel for the petitioner submits that while the vehicle was parked, it was inspected and a challan (check report) had been issued. After the fitness certificate of the vehicle in question had expired, the petitioner applied for extension of the same on 19.03.2026. The learned counsel for the petitioner states that the petitioner's principal grievance is that the Transport Department is not considering grant of fitness certificate on account of the check report, which is disputed.

4. The learned Government Advocate appearing for the respondents submits that the impugned communication dated

11.03.2026 is an internal communication and does not foreclose any of the rights of the petitioner. He further states that the petitioner's application for extension of the fitness certificate would be examined in accordance with law. However, the right of the respondents to take action (including to levy and recover penalty or royalty) be kept open.

5. The learned counsel for the petitioner submits that he would be satisfied if the petition is disposed of in light of the above submission.

6. In view of the above, we direct the concerned authorities to consider the petitioner's application for extension of fitness certificate of the vehicle in question in accordance with law. We also clarify that this order would not preclude the authorities from taking steps for recovery of the royalty for overloading as alleged or to take any other action as the concerned authorities consider it necessary *albeit* in accordance with law. We clarify that the rights and contentions of the parties in that regard are reserved.

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

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

CKL
List No.: 2 Sl No.: 7