HC-KAR
NC: 2026:KHC:65378-DB
WP No. 29750 of 2026
CNR: KAHC010653482026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH 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.29750 OF 2026 (GM-MM_S)

BETWEEN:

M/S. SRI SHANESHWARASWAMY
STONE CRUSHER & M-SAND UNIT,
REPRESENTED BY ITS PROPRIETOR
SRI SUSHEEL KUMAR .R,
S/O. LATE SRI. RAMASWAMY .C
AGED ABOUT 40 YEARS,
R/AT CHUTTOBANAHALLI VILLAGE,
KURKI POST, DAVANAGERE TALUK,
DAVANAGERE DISTRICT, KARNATAKA - 577514.

...PETITIONER

Digitally signed by C K LATHA
Location: High Court of Karnataka

(BY SRI. BHADRAVADI SIDDESWARA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF COMMERCE AND
INDUSTRIES (MINES), 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,
DEPARTMENT OF MINES AND GEOLOGY,
DAVANAGERE DISTRICT,
#1948/1, IN FRONT OF ANJANEYA TEMPLE,
VIDYANAGARA, DAVANAGERE - 577 005.

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

…RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OR CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED DEMAND NOTICE BEARING NO. GABHUE/BIBHUVI/OTS-NOTICE/2026-27/340 DATED 01.07.2026 ISSUED BY RESPONDENT NO.3 (ANNEXURE-E) 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 learned Additional Government Advocate accepts notice for the respondents.

2. The petitioner has filed the present petition impugning the demand notice dated 01.07.2026 [**the impugned order**] issued under Rule 44A of the Karnataka Minor Mineral Concession Rules, 1994 [**the KMMC Rules**] calling upon the petitioner to pay a sum of ₹ 1,22,00,720 as penalty. The said demand has been raised towards a one-time settlement [**OTS**] of the penalty for extracting 87,148 metric tonnes of building stone from the encroached area.

3. The petitioner states that he submitted his reply/objections to the aforesaid demand on 15.07.2026.

4. The learned counsel for the petitioner submits that the impugned demand notice is vitiated as it has been issued without following the principles of natural justice.

5. The learned Additional Government Advocate fairly submits that the impugned demand notice would be treated as a show cause notice; the petitioner's response to the same would be considered; and the concerned authority would pass an appropriate order after affording the petitioner an opportunity to be heard.

6. In view of the aforesaid statement, no orders are required to be passed in this petition, except to direct that the respondents are bound down to the statement made on their behalf. We clarify that we have not examined the merits of the demand and nothing stated in this order should be construed as such.

7. We clarify that all rights and contentions of the parties are reserved including the petitioner's contention that the 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

CKL
List No.: 2 Sl No.: 3