HC-KAR

CNR: KAHC010715092026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH 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. 32632 OF 2026 (GM-MM-S)

BETWEEN:

1. SRI GAGAN DEEP K
   S/O KRISHNAPPA
   AGED ABOUT 32 YEARS
   R/AT MUDDAREDDY HALLI VILLAGE
   SOMENAHALLI HOBALI
   GUDIBANDE
   CHIKKABALLAPURA – 561 209

…PETITIONER

(BY SRI ADINARAYANAPPA, ADVOCATE)

AND:

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

1. THE STATE OF KARNATAKA
   REPT. BY ITS SECRETARY
   DEPT. OF LAND REVENUE
   VIDHANA SOUDHA
   BANGALORE - 560 001.

2. THE DEPUTY DIRECTOR
   DEPARTMENT OF MINES AND GEOLOGY
   CHIKKABALLAPURA – 562 101

3. THE TAHSILDAR
   GUDIBANDE TALUK

GUDIBANDE
CHIKKABALLAPURA – 561 209

…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 WRIT ORDER TO SET ASIDE THE NOTICES ISSUED BY THE 2ND RESPONDENT ON DATED 07/10/2026 BEARING NO.GaBHuEI/UNiChi/Niyama-3A/2026-27 AND ALSO NOTICES ISSUED BY THE 3RD RESPONDENT BEARING NO.MAG/CR/65/2026-27 ON DATED 07/10/2026, WHICH IS PRODUCED AT ANNEXURES-A AND B & 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 Government Advocate accepts notice for the respondents.

2. The petitioner has filed the present petition impugning an order dated 07.10.2026 [**impugned order**] passed by the Office of the Deputy Director, Department of Mines and Geology [**DMG**],

directing suspension of the work being carried out by the petitioner regarding leveling of rocks in Patta land measuring 0.24 guntas in Survey No.13/1 of Varlakonda Village, Somenahalli Hobli, Gudibande Taluk, Chickballapur District [**scheduled property**].

3. The petitioner's case is that he had obtained conversion of the subject land on 19.05.2025 with an intention to establish a petrol bunk. He had also obtained a letter of intent dated 11.06.2025 from Indian Oil Corporation Ltd. [**IOCL**] for establishing a petrol bunk. Thereafter, he also obtained No Objection Certificates from the Deputy Commissioner, which was issued on 09.03.2026.

4. Apparently, there is some dispute between the petitioner and his neighbours who allege that the petitioner has encroached upon their land. In the given facts, the petitioner filed a suit being O.S.No.193/2026 before the learned Civil Judge and JMFC, Gudibande against certain persons restraining them from interfering with his property. The petitioner states that the learned Civil Judge has passed the exparte *ad interim* order dated 24.06.2026 granting the relief.

5. While the *ad interim* order is operating, the DMG has restrained the petitioner from carrying on levelling of rocks and boulders on the said land. The impugned notice dated 07.10.2026 indicates that the time granted to the petitioner to complete the levelling work was extended for a period of three months with effect from 09.07.2026, which has since expired. Thus, the petitioner cannot carry on any work of breaking or removing rocks without extension of the permission which was granted earlier under Rule 3A of the KMMC Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**].

6. The learned Government Advocate who appears on advance notice submits that the Tahsildar has directed the suspension of work in view of several complaints received regarding encroachment of land. He submits that a survey is required to be conducted in order to demarcate the subject land owned by the petitioner.

7. In the given facts, we consider it apposite to dispose of the present petition by directing the concerned revenue authorities to take steps for conducting the survey as expeditiously as possible

and in any event within a period of four weeks from date in order to address any apprehension or any allegation of encroachment.

8. The concerned authorities of Department of Mines and Geology shall also consider extention of the working permission granted to the petitioner for establishment of petrol bank within the said period.

9. The present petition is, disposed of, in the aforesaid terms.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

KMV
List No.: 2 Sl No.: 3