HC-KAR

NC: 2026:KHC:59339-DB
WP No. 32622 of 2026

CNR: KAHC010718272026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH 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.32622 OF 2026 (GM-MM S)

BETWEEN:

M/S. D.J. ENTERPRISES
A REGISTERED PARTNERSHIP FIRM,
HAVING ITS OFFICE AT NO.1081,
GROUND FLOOR, 15TH CROSS,
1ST PHASE, 1ST STAGE,
CHANDRA LAYOUT,
BENGALURU – 560 072
REPRESENTED BY ITS PARTNER
SRI N.M. GIRISH
S/O. MAHADEVAIAH .N.B
AGED ABOUT 43 YEARS.

…PETITIONER

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

(BY SMT. KUSUMA R. PRASAD, ADVOCATE FOR
SRI. LAKAMAPURMATH CHIDANANDAYYA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF COMMERCE INDUSTRIES
(SSI, TEXTILES AND MINES) 1ST FLOOR,
VIKASA SOUDHA,
BENGALURU – 560 001.

2. THE DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY,

KHANIJA BHAVAN,
RACE COURSE ROAD,
BENGALURU – 560 001.

3. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINES AND GEOLOGY,
13TH FLOOR, V V KENDRA,
DR. AMBEDKAR VEEDHI,
BENGALURU URBAN DISTRICT – 560 001.

…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 CALL FOR THE RECORDS WHICH ULTIMATELY RESULTED IN ISSUING THE DEMAND NOTICE DATED 22.05.2026 ANNEXURE-A BEARING NO.DMG/SG/OTS-NOTICE/BUD/QL-831/2026-27/1392 BY 3RD RESPONDENT 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 Government Advocate accepts notice for the respondents.

2. The petitioner has filed the present petition impugning the demand notice dated 22.05.2026 [**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 ₹1,95,65,630/- as penalty. The said demand has been raised towards a one-time settlement [**OTS**] of the penalty for extracting 2,79,509 metric tonnes of building stone in excess of the quantity reported.

3. The petitioner states that he responded to the said notice by letters dated 03.06.2026 and 24.07.2026. 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.

4. The learned 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.

5. 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.

6. 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.

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

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

AT
List No.: 2 Sl No.: 14