HC-KAR

NC: 2026:KHC:59658-DB
WP No. 32908 of 2026

CNR: KAHC010718282026

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. 32908 OF 2026 (GM-MM-S)

BETWEEN:

1. SMT. ASHA G.S.
   W/O LATE D.S. MANJUNATH
   AGED ABOUT 39 YEARS
   R/O DODDERI VILLAGE
   CHIKKANAHALLI POST
   BENGALURU SOUTH TALUK
   BENGALURU URBAN DISTRICT - 560 091

…PETITIONER

(BY SRI LAKAMAPURMATH CHIDANANDAYYA, ADVOCATE)

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

AND:

1. STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY
   DEPARTMENT OF COMMERCE AND 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, VV KENDRA
DR. AMBEDKAR VEEDHI
BENGALURU URBAN DIST - 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 ISSUE AN ORDER, DIRECTION OR WRIT IN THE NATURE OF CERTIORARI QUASHING NOTICE DATED 22/06/2026 ANNEXURE-A BEARING NO.DMG/SG/OTS-NOTICE/ BUD/QL-642/2026-27/2264 BY 3RD RESPONDENT & 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 a demand notice dated 22.06.2026 issued under Rule 44A of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**]

calling upon the petitioner to pay balance amount of Rs.8,38,10,799/-, for extracting and transporting 8,04,564.52 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. We note that after receipt of the impugned notice, the petitioner has furnished a reply dated 29.07.2026.

6. Given the circumstances, we direct that the impugned demand notice dated 22.06.2026 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.: 31