HC-KAR

NC: 2026:KHC:60347-DB
WP No. 32915 of 2026

CNR: KAHC010725332026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH 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.32915 OF 2026 (GM-MM_S)

BETWEEN:

SHRI. SURESH .J.M
AGED ABOUT 45 YEARS,
S/O J.M. MALLAPPA,
NERUGALALE ABBURU KATTE,
SOMAVARAPETE TALUK,
NERUGALALE ABBURU,
KATTE, KODAGU - 571 236.

...PETITIONER

(BY SRI. CHANDAN GOWDA PATIL, ADVOCATE)

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

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY,
   DEPARTMENT OF COMMERCE AND INDUSTRY,
   KHANIJA BHAVANA,
   RACE COURSE ROAD,
   BENGALURU - 560 001.

2. THE DIRECTOR,
   DEPARTMENT OF MINES AND GEOLOGY
   KHANIJA BHAVAN,
   BENGALURU - 56 001.

3. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINES & GEOLOGY,
JILLDALITHA BHAVAN,
ROOM NO.11, A LANE,
KODAGU - 571 201.

…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 APPROPRIATE WRIT, ORDER OR QUASHING IMPUGNED ONE TIME SETTLEMENT NOTICE DATED 24.04.2026 BEARING NO.GBOE/UNCHI/OTS-NOTICE/2026-27/57 PROPOSING TO DEMAND OF PENALTY OF RS.1,25,03,890/-, ISSUED BY THE RESPONDENT NO.3 ENCLOSED AT ANNEXURE-A 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 24.04.2026 [**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

₹1,25,03,890/- as penalty. The said demand has been raised towards a one-time settlement [**OTS**] of the penalty for extracting 1,12,691 metric tonnes of building stone in excess of the quantity reported and for extracting a further quantity of 32,968 metric tonnes of building stone from the encroached area.

3. 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 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.

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.: 11