HC-KAR

NC: 2026:KHC:61440-DB
WP No. 33418 of 2026

CNR: KAHC010738142026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH 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. 33418 OF 2026 (GM-MM-S)

BETWEEN:

1. SRI S. ESHWAR
   S/O A SUBRAMANI
   AGED 47 YEARS
   R AT JYOTHIPURA VILLAGE
   KORA POST, DEVANAHALLI TALUK
   BANGALORE RURAL DISTRICT - 562 110

…PETITIONER

(BY SRI NAGESH PUTHIGE, SENIOR ADVOCATE A/W
MS. VIDYA PAI, ADVOCATE FOR
SMT. NAYANA TARA BG, ADVOCATE)

AND:

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

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

2. DIRECTOR
   DEPARTMENT OF MINES AND GEOLOGY
   KHANIJA BHAVAN
   RACE COURSE ROAD
   BANGALORE – 560 001

3. SENIOR GEOLOGIST
DEPARTMENT OF MINES AND GEOLOGY
ADINARAYANA HOSAHALLI VILLAGE
NAGADENAHALLI POST
DODDABALLAPURA TALUK
BANGALORE RURAL DISTRICT - 562 110

4. DEPUTY COMMISSIONER
BANGALORE RURAL DISTRICT
1ST FLOOR, DISTRICT ADMINISTRATIVE BHAVAN
BEERASANDRA VILLAGE
KUNDANA HOBLI
DEVANAHALLI TALUK – 562 110

5. ASSISTANT COMMISSIONER
DODDABALLAPURA SUB-DIVISION
DODDABALLAPURA TOWN
BANGALORE RURAL DISTRICT - 561 110

6. TAHASILDAR
TALUK ADMINISTRATIVE SOUDHA
DEVANAHALLI TALUK
DEVANAHALLI TALUK - 562 110

...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, DIRECTION, OR ORDER OF SIMILAR NATURE QUASHING THE IMPUGNED ORDER DATED 28.09.2026 BEARING NUMBER DMG/SGK/BRD/SQL-989/2026-27/1696 ISSUED BY THE RESPONDENT No.3 PRODUCED AT ANNEXURE-A & ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CNR: KAHC010738142026

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 petitioner has filed the present petition impugning an order dated 28.09.2026 [**impugned order**] passed by the respondent No.3 (The Senior Geologist, Department of Mines and Geology [**DMG**]) directing the stopping of the quarrying operations on the ground that the quarrying activities under stone quarry license No.989. The impugned order proceeds on the ground that (Storm Water Drain [**SWD**])-*Raja Kaluve* passes through the area covered by the said licence.

2. The DMG found that the village map also reflected *Raja Kaluve* traverses Survey No.40 and 63 of Mayasandra Village, Devanahalli Taluk, Bengaluru Rural District, and is connected to a pond situated in the said Village. It is also found that due to ongoing quarrying activities, the natural flow of *Raja Kaluve* had been obstructed, and has been found to be covered with soil, stones and mining waste.

3. On the basis of the aforesaid findings, the DMG has held that the petitioner had violated Rule 6(2) of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**] by failing to maintain the prescribed distance of 50 metres from the *Raja Kaluve* which is a public structure.

4. The petitioner disputes the correctness of the said finding and relies on a Joint Survey Report [**JSR**] dated 17.02.2018, which was conducted prior to the execution of the quarrying lease in his favour. The JSR indicates that although a *Raja Kaluve* has been shown in the map, it does not exist on the ground. A similar report was also furnished by the Assistant Director of Land Records, Devanahalli Taluk [**ADLR**] on 09.12.2025.

5. The question therefore is, whether a *Raja Kaluve* actually exists on the subject land. There can be no dispute that if such a *Raja Kaluve* passes through the subject land, quarrying activities would not be permissible within the prescribed distance of the said *Raja Kaluve*.

6. Although it is apparent that there is a conflict between the reports submitted by the revenue authorities at different points of

time, the question whether *Raja Kaluve* exists and has been blocked, is required to be considered not only by examination of the land covered under the quarry lease, but also the surrounding areas which would indicate whether the *Raja Kaluve* exists and follows the path as is mentioned in the impugned order.

7. Since the question involved is essentially one of fact and the petitioner has an adequate efficacious remedy of a revision under Rule 53 of the KMMC Rules, we decline to entertain the present petition leaving it open for the petitioner to avail of its alternate remedy.

8. The petition is dismissed with the aforesaid observation.

9. If such a remedy is availed of within a period of two weeks from date, the same would be considered by the revisional authority, being uninfluenced by any question of delay.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

KMV/List No.: 2 Sl No.: 11