HC-KAR

CNR: KAHC010744482026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH 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. 33648 OF 2026 (GM-MM-S)

BETWEEN:

1. RAJENDRA
   S/O MALAGOUDA PATIL
   AGE: 64 YEARS
   OCC: BUSINESS
   R/O: 141, HARAGAPURGAD VILLAGE
   HUKKERI TALUKA
   BELAGAVI - 591 313

…PETITIONER

(BY SRI ADITI P. GOUDAR, ADVOCATE)

Digitally signed by AMBIKA H B
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/SENIOR GEOLOGIST
   DEPARTMENT OF MINES AND GEOLOGY
   KHANIJA BHAVANA
   RACE COURSE ROAD
   BENGALURU - 560 001

3. THE DEPUTY DIRECTOR/SENIOR GEOLOGIST
DEPARTMENT OF MINES AND GEOLOGY
D C OFFICE
KOPPAL – 583 231

4. KARNATAKA STATE REMOTE SENSING
APPLICATIONS CENTRE (KSRSAC)
DEPARTMENT OF PERSONNEL AND
ADMINISTRATIVE REFORMS (E-GOVERNANCE)
OFFICE AT DOORA SAMVEDI BHAVANA
MAJOR SANDEEP UNNIKRISHNAN ROAD
DODDABETTAHALLI
BENGALURU - 560 097
REPRESENTED BY IS DIRECTOR

…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 QUASHING THE IMPUGNED DEMAND NOTICE ISSUED BY THE RESPONDENT No.3 DATED 21.05.2026 PRODUCED VIDE 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 Government Advocate accepts notice for the respondents.

2. The petitioner has filed the present petition impugning a demand notice dated 21.05.2026 issued under Rule 44A of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**] calling upon the petitioner to pay an amount of ₹1,02,13,770/- for extracting and transporting an excess quantity of 89,723 metric tons of building stone without payment of royalty and also for extracting and transporting 28,094 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. The petitioner's response to the demand notice submitted on 29.05.2026 would be considered; and the concerned authority would pass an appropriate order after affording the petitioner an opportunity to be heard.

5. Given the circumstances, we direct that the impugned demand notice dated 21.05.2026 be considered as a show-cause notice and respondent No.3 shall pass a final order after affording the petitioner an opportunity of hearing.

6. 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.

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

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

AHB
List No.: 2 Sl No.: 7