HC-KAR
NC: 2026:KHC:62763-DB
WP No. 34359 of 2026
CNR: KAHC010755532026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH 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.34359 OF 2026 (GM-MM_S)

BETWEEN:

SRI. B.H. RIZWAN
S/O. LATE B.M. HAMEED,
PROPRIETOR OF M/S. KARNATAKA
STONE CRUSHING INDUSTRIES,
AGED ABOUT 45 YEARS,
OCC: BUSINESS,
R/O. NO.99/M-18,
LION'S BHAVAN ROAD,
MYSORE-570021.

...PETITIONER
(BY SRI. SHIVALLI SHIVAYOGI YALLAPPAGOUDA, ADVOCATE)

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

AND:

1. THE STATE OF KARNATAKA
   REP. BY ITS CHIEF SECRETARY,
   BENGALURU-560 001.

2. THE SECRETARY TO GOVERNMENT.
   COMMERCE AND INDUSTRIES DEPARTMENT
   (MSME & MINES), ROOM NO.135,
   1ST FLOOR, VIKASA SOUDHA,
   BENGALURU-560 001.

3. THE DIRECTOR & COMMISSIONER,
   DEPT. OF MINES & GEOLOGY, KHANIJA BHAVAN,
   RACE COURSE ROAD, BENGALURU,
   BENGALURU-560 001.

4. SENIOR GEOLOGIST (MINES),
DEPARTMENT OF MINES & GEOLOGY,
MINERAL DIVISION, MANDYA-571401.

5. KARNATAKA STATE REMOTE SENSING
CENTRE (KSRSAC)
REPRESENTED BY ITS DIRECTOR,
DOOARA SAMVEDI BHAVANA
MAJOR SANDIP UNNIKRISHNAN ROAD,
DODDABETTAHALLI,
VIDYARANYAPURA,
BENGALURU - 560 097.

…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 ORDER OR DIRECTION DIRECTING TO QUASH OR SET ASIDE THE IMPUGNED NOTICE BEARING NO.GABHUEE/HIBHUVI(MUM)/KAGAGU/OTS/678 DATED 08.06.2026 ISSUED BY 4TH RESPONDENT SENIOR GEOLOGIST PRODUCED AT ANNEXURE-A, IN TERMS OF GUIDELINES PUBLISHED IN THE OFFICIAL GAZETTE DATED 09.03.2026 FORMULATED UNDER NEWLY INSERTED RULE 44-A OF THE KMMC RULES; AND/OR 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 08.06.2026 [**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 ₹87,27,795/- as penalty. The said demand has been raised towards a one-time settlement [**OTS**] of the penalty for extracting 1,27,296 metric tonnes of building stone in excess of the quantity reported. The petitioner also sought issuance of directions to respondent No.4 for furnishing the documents, records and reports as requested by the petitioner in his reply dated 24.08.2026.

3. The petitioner states that he responded to the said notice by letter dated 24.08.2026. 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

MBM
List No.: 2 Sl No.: 4