HC-KAR

NC: 2026:KHC:62136-DB
WP No. 34146 of 2026

CNR: KAHC010755552026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH 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. 34146 OF 2026 (GM-MM-S)

BETWEEN:

1. SUPER STONE COMPANY
   BY ITS PARTNER
   SRI DAVIDSURESH
   S/O. GURUPUTRA BELLIKATTI
   AGED 74 YEARS
   OCC: BUSINESS
   NO. 912, FORT ROAD
   BELAGAVI – 590 001

…PETITIONER

(BY SRI SHIVALLI SHIVAYOGI YALLAPPAGOUDA, ADVOCATE)

Digitally signed by K P SWETHA
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 AND MINES)
   ROOM NO. 135, 1ST FLOOR
   VIKAS SOUDHA
   BENGALURU - 560 001

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

4. THE DEPUTY DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN
KUMARASWAMY LAYOUT
BAUXITE ROAD
BELAGAVI – 590 010

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.GhaBhuEe/HuNi/BeVi/OTS-Notice/2026-27/2823 DATED 13/08/2026 (ANNEXURE-A) ISSUED BY 4TH RESPONDENT DEPUTY DIRECTOR, IN TERMS OF GUIDELINES PUBLISHED IN THE OFFICIAL GAZETTE DATED 09/03/2026 FORMULATED UNDER NEWLY INSERTED RULE 44-A OF THE KMMC RULES AS BEING ARBITRARY, ERRONEOUS AND CONTRARY TO THE LAW EQUITY AND JUSTICE.

CNR: KAHC010755552026

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 13.08.2026 issued under Rule 44A of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**] calling upon the petitioner to pay total penalty of ₹70,56,280/-, for extracting excess quantity of 81,628 metric tons and encroachment quantity of 9,588 metric tons of mineral.

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 13.10.2026.

6. Given the circumstances, we direct that the impugned demand notice dated 13.08.2026 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 onetime 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

KPS, List No.: 2 Sl No.: 8