HC-KAR

NC: 2026:KHC:65111-DB
WP No. 35493 of 2026

CNR: KAHC010779562026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD 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. 35493 OF 2026 (GM-MM-S)

BETWEEN:

1. SRI MANMATHARAJ JAIN
   SON OF SRI ANANTHARAJ JAIN
   AGED ABOUT 50 YEARS
   RESIDING AT PERIYAR GUTTU MANE
   DEVASYAPADUR VILLAGE
   ALLIPADE POST
   BANTWAL TALUK
   DAKSHINA KANNADA DISTRICT
   KARNATAKA - 574 211

…PETITIONER

(BY SRI VIKRAM HUILGOL, SENIOR ADVOCATE A/W
SRI THARUN THARANATH POOJARI, ADVOCATE)

Digitally signed by AMBIKA H B
Location: High Court of Karnataka

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF COMMERCE
   AND INDUSTRIES
   REPRESENTED HEREIN BY
   ITS SECRETARY
   VIKASA SOUDHA
   DR. B.R. AMBEDKAR VEEDHI
   BENGALURU – 560 001

2. THE DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVANA
RACE COURSE ROAD
BENGALURU - 560 001

3. THE SENIOR GEOLOGIST
AND COMPETENT AUTHORITY
DEPARTMENT OF MINES AND GEOLOGY
GROUND FLOOR, PRAJASOUDHA PADIL
MANGALURU
DAKSHINA KANNADA DISTRICT
KARNATAKA - 575 007

…RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI SETTING ASIDE THE ORDER DATED 01.10.2026, MADE GaBhooEe/HiBhooVi(Man)/ KaGaGu/Ni.Aa/2026-27/6616, PASSED BY THE RESPONDENT NO.3, PRODUCED AT ANNEXURE-A & ETC.

THIS PETITION, COMING ON FOR ORDERS, 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. Issue notice. The learned Additional Government Advocate accepts notice for the respondents.

2. The petitioner has filed the present petition, *inter alia,* impugning an order dated 01.10.2026 passed by the Senior Geologist, Department of Mines and Geology directing suspension of the operations of the building stone quarry lease No.DSKNS394 until safety measures are undertaken and the site inspection is conducted by DGMS (Directorate General of Mines Safety) and the report is submitted.

3. The petitioner was granted building stone quarry lease on 11.10.2018 over an area measuring 3.39 acres in Survey No.220/2 of Navoor Village, Bantwal Taluk (Quarry Lease No.DSKNS394). The concerned authorities had received certain complaints, *inter alia,* to the effect that the petitioner had been carrying on quarrying operations by using explosives, which had caused nuisance and hardship to the public, apart from raising safety concerns. Based on the complaints, a team of technical officers visited the quarry site and had submitted a report dated 01.10.2026. The technical team, *prima facie,* found a violation of Rule 6(2) of the Karnataka Minor Mineral Concession Rules, 1994, which provides that no person shall carry on or allow any quarrying operations within a

distance of 50 mtrs. if no blasting is involved, 100 mtrs. if controlled blasting is involved, and 200 mtrs. if blasting is involved, from the boundary of any railway line, reservoir, tankbund, canal or public works or public structures or any public road or building. During the inspection by the technical officers, certain villagers complained that the petitioner was using explosives, which was adversely affecting their health, and the road in the village had been overrun. They also complained that dust from the crusher unit was falling on the adjacent land, making it impossible to grow crops. Additionally, the technical team found that the petitioner had not undertaken necessary safety measures. He had not provided a barbed wire fence around the boundary. Further, the petitioner had extracted minerals from a depth of 25 to 26 mtrs. without forming benches and without providing a buffer zone as required under the lease deed and the environmental clearances. On this basis, the technical team recommended that operation of the crusher unit in the leased area be suspended until safety measures are implemented. The Senior Geologist had accepted the said recommendation and issued the impugned order.

4. Mr Vikram Huilgol, learned Senior Counsel appearing for the petitioner, fairly pointed out that the impugned order is a temporary order till a site inspection is conducted and the report is submitted to the Senior Geologist. He submitted that since activities have been stopped, directions be issued for conducting the inspection as the petitioner has already implemented the necessary safety measures as required. He fairly submitted that the petitioner is not seeking any interim orders but has confined the present petition to seeking a direction to the concerned authorities to take a final decision after conducting the inspection as required.

5. It is apparent from the plain reading of the impugned order that suspending the operation is a temporary measure till a final decision is taken by the concerned authorities. Since the issue involves safety concerns, it is not apposite for this Court to interfere with the impugned order. However, we direct the concerned authorities to conduct a site inspection as contemplated under the impugned order and take a final decision regarding the stone quarry lease as expeditiously as possible and preferably within a period of eight weeks from date.

6. 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.: 5