



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 5777 OF 2026 (GM-MM-S)

BETWEEN:

1. N.V. VENKATESHAPPA
S/O NADIPI VENKATARAYAPPA
AGED ABOUT 61 YEARS
NICHANABANDAHALLI VILLAGE
GUDIBANDE POST AND TALUKA - 561 209
CHIKKABALLAPURA DISTRICT

...PETITIONER

(BY SRI RAVINDRA GAJANAN KOLLE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY
ROOM NO. 320, 3RD FLOOR
VIDHANA SOUDHA, BENGALURU
BENGALURU - 560 001
2. THE SECRETARY TO GOVT.,
DEPT. OF COMMERCE AND INDUSTRIES
ROOM NO.135, FIRST FLOOR
VIKASA SOUDHA, BENGALURU
BENGALURU - 560 001
3. THE DIRECTOR AND COMMISSIONER
DEPT. OF MINES AND GEOLOGY
NO.49, KHANIJA BHAVAN
RACE COURSE ROAD, BENGALURU
BENGALURU - 560 001





4. THE DEPUTY DIRECTOR AND
COMPETENT AUTHORITY
(PREVIOUSLY SENIOR GEOLOGIST)
DEPARTMENT OF MINES AND GEOLOGY
NO. SA-9, 2ND FLOOR, ZILLADALITHA BHAVANA
CHIKKABALLAPURA - 562 101
5. THE DEPUTY COMMISSIONER
CHIKKABALLAPURA DISTRICT
OFFICE OF THE DEPUTY COMMISSIONER
CHIKKABALLAPURA - 562 101
6. THE ASSISTANT COMMISSIONER
CHIKKABALLAPURA SUB-DIVISION
CHIKKABALLAPURA - 562 101
7. THE DEPUTY CONSERVATOR OF FORESTS
CHIKKABALLAPURA FOREST DIVISION
SULALAPPANADINNE
NEAR K.V. CAMPUS
CHIKKABALLAPURA - 562 101

...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 MANDAMUS OR ANY OTHER ORDER OR DIRECTION DIRECTING 6TH RESPONDENT ASSISTANT COMMISSIONER AND 7TH RESPONDENT DEPUTY CONSERVATOR OF FOREST TO FURNISH REVENUE AND FOREST NOC OR OPINION IN TERMS OF RULE 8(5) (ii) AND RULE 8 (5)(iii) OF KMMC RULES, 1994, CONFINING THE OPINION TO THE SPECIFIC POINTS SOUGHT IN THE LETTERS DATED 09.02.2024 AND 09.12.2024 PRODUCED AT ANNEXURE-A AND B RESPECTIVELY, ISSUED BY THE 4TH RESPONDENT DEPUTY DIRECTOR AND COMPETENT AUTHORITY, WITHIN A TIME-FRAME, FOR THE GRANT OF QUARRY LEASE TO EXTRACT ORDINARY BUILDING STONES OVER AN AREA OF 04-10 ACRES IN GOVT LAND BEARING Sy. No. 62 OF VARADAHOSAHALLI VILLAGE, GOURIBIDANURU TALUKA, CHIKKABALLAPURA DISTRICT 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 MR. JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition, *inter alia*, praying
as under:

"(A) Issue a Writ of Mandamus or any other Order or Direction directing 6th Respondent Assistant Commissioner and 7th Respondent Deputy Conservator of Forest to furnish Revenue & Forest NOC or Opinion in terms of Rule 8(5)(ii) & Rule 8(5)(iii) of KMMC Rules, 1994, confining the Opinion to the specific points sought in the Letters dated 09.02.2024 and 09.12.2024 produced at ANNEXURE-A & B respectively, issued by the 4th Respondent Deputy Director & Competent Authority, within a time-frame, for the grant of Quarry Lease to extract Ordinary Building Stones over an area of 04-10 Acres in Govt land bearing Sy. No. 62 of Vatadahosahalli Village, Gouribidanuru Taluka, Chikkaballapura District and/or

(B) Pass any such other further Orders as this Hon'ble Court deems as fit & proper to meet the ends of justice."

2. On 05.11.2011, the petitioner made an application for the grant of a quarry lease for mining ordinary building stones from an area of 4-10 acres of government land falling in Survey No. 62 of



Vatadahosahalli Village, Gouribidanuru Taluka, Chikkaballapura District, along with the prescribed fees and sketch.

3. Respondent No.4 (competent authority) addressed a letter dated 06.02.2012 to the concerned Tahsildar, Assistant Commissioner and Deputy Conservator of Forests for consultation/No Objection Certificate [**NOC**] as required under Rule 8(5) of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**] as was in force at the material time.

4. The NOC's/reports were not furnished within the stipulated period. Thus, the petitioner's application ought to have been processed on the basis of a deemed consent under Rule 8(6) of the KMMC Rules. However, the application remained pending. The KMMC Rules were amended by virtue of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 and all applications in respect to which NOCs and approvals were not received were deemed to have lapsed.

5. These applications were resuscitated by subsequent amendment to the KMMC Rules by virtue of Karnataka Minor Mineral Concession (Amendment) Rules, 2023.



6. It is stated that pursuant to the said amendment, the competent authority issued letters to respondent No.6 (Assistant Commissioner) and respondent No.7 (Deputy Conservator of Forests) seeking NOCs and approval for the grant of the quarry lease in question. However, NOCs have not been furnished.

7. By virtue of the subsequent amendment to Rule 8(5) of the KMMC Rules, which came into effect from 02.01.2025, the onus to obtain necessary NOCs and reports as specified rests on the applicant.

8. Pursuant thereto, the competent authority, by its intimation letter dated 04.09.2025, has called upon the petitioner to obtain and submit the NOCs issued by the Revenue and Forest Departments on or before 16.03.2026, failing which action in accordance with the Rules would follow.

9. It is the petitioner's case that the concerned authorities had not responded to the letters sent by the competent authority earlier. Therefore, they would not do so at the petitioner's request as well.



The petitioner apprehends that their inaction would frustrate the processing of his application.

10. The Government Advocate appearing for the respondents states, on instructions, that the petitioner's request for the NOC and the necessary reports will be considered expeditiously.

11. In view of the above, the present petition is disposed of by directing respondent Nos. 6 and 7 to forthwith consider whether a quarry lease could be granted in respect to the subject land and furnish their opinion/NOCs as well as the survey report as expeditiously as possible within a period of two weeks from the date.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

KPS
List No.: 2 Sl No.: 21