



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 9092 OF 2026 (GM-MM S)

BETWEEN:

SRI VISHNUVARDHAN
S/O GOVARDHAN,
AGED ABOUT 54 YEARS,
OCC BUSINESS,
R/O B22C43, NEAR KALIKADEVI TEMPLE,
MOZAMPUR, MOHALLA,
VTC SHORAPUR,
YADAGIRI DISTRICT 585224.

...PETITIONER

(BY MR. SHIVALLI SHIVAYOGI YALLAPPAGOUDA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF COMMERCE
AND INDUSTRIES, M S BUILDING,
BENGALURU 560001.
2. THE DIRECTOR
MINES AND GEOLOGY DEPT.
KHANIJA BHAVAN,
RACE COURSE ROAD,





BENGALURU 560 001.

3. THE SENIOR GEOLOGIST
DEPT OF MINES AND GEOLOGY,
JILLA ADALIT BHAVAN,
2ND FLOOR A-15,
CHITTAPUR ROAD,
YADGIR 585201
4. THE ADDL. DIRECTOR
MINES AND GEOLOGY DEPT,
NORTH ZONE,
BELLARY 583101

...RESPONDENTS
(BY SRI. K.S. HARISH, GOVERNMENT ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR DIRECTION, QUASHING THE ORDER PASSED BY RESPONDENT NO.3 MADE IN NO.HIBHUVI/GABHUEE/YAA/KAGAGU/AA/HI/2025-26/260 DATED 28/05/2025 AS BEING MOST ARBITRARY AND ERRONEOUS TO EQUITY, LAW AND JUSTICE (ANNEXURE-L).

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*, impugning an order dated 12.12.2025 passed by respondent No. 4 **[the revisional authority]** rejecting the petitioner's petition on the ground that it was filed belatedly. The Revisional Authority has held that the petition was filed 74 (seventy-four) days after the expiry of the 90 (ninety) days from the date on which the Karnataka Minor Mineral Concession (Amendment) Rules, 2024 **[KMMC Rules, 2024]**, came into force.

2. The petitioner had filed an application dated 23.09.2014 seeking a quarry lease over a land to the extent of 5 acres, falling in Survey No.131, in Waganagere Village, Surapura Taluk, Yadagiri District, for the extraction of building stone. Pursuant to the said application, respondent No.3 - Senior Geologist, sent a letter for seeking opinion and NOC from the revenue and the forest authorities. The NOCs were received, and the joint inspection was conducted on 29.09.2015. The petitioner states that thereafter, on 21.01.2016, respondent No.3 issued a notification under Rule



No.27 of the Karnataka Minor Mineral Concession Rules, 1994 [**KMMC Rules**], as in force at the relevant time.

3. After the notification, the petitioner furnished the quarry plans on 04.02.2016, which came to be approved by respondent No.3 on 12.02.2016. However, the quarry lease was not executed in accordance with Rule 30 of the KMMC Rules, as applicable at the particular time.

4. Rule 30 of the KMMC Rules, as applicable at the particular time – that is, prior to 12.08.2016 – provided that the lease be executed by the grantee within a period of six months of the grant notification. In terms of Rule 30(2) of the KMMC Rules, the grantee was also required to pay an advance of fifty per cent of the dead rent before the execution of the said lease. Admittedly, the said condition was not complied with at the material time. The six-month period within which the lease was to be executed expired on 20.07.2016. Notwithstanding the same, the petitioner obtained an environmental clearance certificate on 25.09.2018. The petitioner states that thereafter, on 02.11.2018, the petitioner also obtained a demand draft for payment of the necessary fees.



5. Notwithstanding that the time period of execution of the lease had expired, the petitioner's application for quarry lease was forwarded to respondent No.2 on 14.09.2020. But no further steps were taken immediately thereafter. On 18.10.2024 – that is, after a period of more than four years – respondent No.3, along with the Revenue Authorities, conducted a joint survey. The petitioner also got a drone survey conducted by a private agency on 05.11.2024.

6. Respondent No.3 considered the petitioner's application on 28.05.2025 and issued an order rejecting the same on the ground that the period within which the lease was to be executed had expired. The plain reading of the said order indicates that respondent No.3 noted that the petitioner's application was not saved by virtue of the Karnataka Minor Mineral Concession Rules (Amendment) Act, 2023, as only those applications that were pending were required to be examined for consideration of a grant. However, in the present case, the lease was granted by a notification dated 21.01.2016.



7. The petitioner preferred a revision petition, which was dismissed by the impugned order. In terms of Rule 53 of the KMMC Rules, any person who is aggrieved by an order of the Competent Authority not above the rank of Additional Director may prefer a revision petition within a period of ninety days from the date of communication of the said order.

8. As noted above, the revisional authority rejected the revision petition on the ground that it was filed belatedly.

9. The relevant extract of Rule 18 of the KMMC Rules as currently in force, reads as under:

"18. Execution of quarrying lease or quarry license or prospecting license or composite license.-(1) When a quarrying lease or quarry licence, or prospecting licence or composite licence is granted the quarry lease, quarry licence, prospecting licence or composite licence shall be got executed in Form E by the grantee within twelve months of the order granting or renewing the lease or further twelve months period as the Competent Authority may allow in this behalf and if no such lease deed is executed within the aforesaid period, the order granting or renewing the lease shall be deemed to have been revoked.

"Provided that. -

(i) on receipt of an revision application in Form RV from the grantee of quarry lease or licence within a period of ninety days from the date of deemed revocation of grant notification to the Commissioner or Director in case of specified minor mineral and Rule 31-ZC or Jurisdictional



Additional Director or Joint Director in case of non-specified minor mineral (except Rule 31-ZC) may extend the period for execution of quarry lease or licence deed on satisfaction that such delay is entirely for the reasons beyond the control of the grantee of quarry lease or licence;

(ii) If the period of notification has expired before commencement of these rules the lessee or licence shall apply Revision Application as mentioned in clause (i) within ninety days from the commencement of these rules;"

10. In terms of proviso to Rule 18(1), a revision application could be preferred within a period of ninety days from 30.12.2024 (the date on which KMMC Rules 2024 came into force).

11. The grant notification had expired before the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, came into force. Therefore, the period within which a quarry lease could be executed had expired. Assuming that a revision petition against the same could be preferred, the period for preferring it had also expired. It is doubtful whether the proviso to Rule 18(1) is applicable to grants that had expired prior to the Karnataka Minor Mineral Concession (Amendment) Rules 2016 coming into force. However, even assuming the proviso is applicable, it is apparent that the petitioner's revision application is also beyond the



prescribed period of ninety days from the KMMC Rules 2024 coming into force. Thus, the impugned order cannot be faulted.

12. The petition is, accordingly, dismissed.

13. All pending applications are also disposed of.

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

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

Vmb,
List No.: 2 Sl No.: 9