



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. 15883 OF 2022 (GM-MM-S)

BETWEEN:

1. SRI P.V. MURALI
S/O SRI BENKATARAMAREDDY
AGED ABOUT 36 YEARS
No.B-38, 3RD CROSS
PRAKRITHI NAGAR KOGILU ROAD
YELAHANKA
BENGALURU - 560 064
2. SRI T.M. MUNIREDDY
S/O SRI NARASIMHAPPA
AGED MAJOR
No.44, THILAKUNTAHALLI VILLAGE
GUDIBANDE TALUK
CHIKKABALLAPURA DISTRICT - 562 101
3. SRI SOMASHEKARA REDDY
S/O SRI AADAPPA
AGED ABOUT 65 YEARS
No.547, NAGARAGERE - 2
GAURIBIDANUR - 562 128
CHIKKABALLAPURA DISTRICT
4. SRI LAKSHMINARAYANA REDDY
S/O SRI CHIKKA NARASIMHA REDDY
No. 89, KADEHALLI VILLAGE





GUDIBANDE TALUK
CHIKKABALLAPURA - 562 101

...PETITIONERS

(BY SRI LAKAMAPURMATH CHIDANANDAYYA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF COMMERCE AND INDUSTRIES
(SSI, TEXTILE AND MINES)
VIKASA SOUDHA
BANGALORE - 560 001
2. DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN
RACE COURSE ROAD
BANGALORE - 560 001
3. SENIOR GEOLOGIST
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN
RACE COURSE ROAD
BANGALORE - 560 001
4. DEPUTY COMMISSIONER
CHIKKABALLAPURA DISTRICT
CHIKKABALLAPURA - 562 101
5. ASSISTANT COMMISSIONER
CHIKKABALLAPURA SUB DIVISION
CHIKKABALLAPURA - 562 101
6. TAHASILDAR
SIDDLAGAHTA TALUK
SIDDLAGHATTA
CHIKKABALLAPURA - 562 101



7. DEPUTY CONSERVATOR OF FOREST
FOREST DEPARTMENT
CHIKKABALLAPURA SUB DIVISION
CHIKKABALLAPURA - 562 101

8. SRI VENKATACHALAPATHY
S/O NANYAPPA
AGED ABOUT 62 YEARS
RESIDING AT SADALI VILLAGE
SADALI HOBLI
SHIDLAGHATTA TALUK
CHIKKABALLAPURA - 562 101

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-1 TO 7 &
SRI YASHAWANTH P. NEHRU, ADVOCATE FOR
SRI K.V. NARASIMHAN, ADVCOATE FOR R-8)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS FROM 4TH RESPONDENT WHICH ULTIMATELY RESULTED IN PASSING THE ORDER ANNEXURE-A DATED 04/07/2022 BEARING NO.MIN/CR/25/2019-20 PASSED BY THE 4TH RESPONDENT b) ISSUE AND ORDER, DIRECTION WRIT IN THE NATURE OF CERTIORARI QUASHING THE ORDER DATED 04/07/2022 BEARING NO.MIN/CR/25/2019-20 VIDE ANNEXURE-A PASSED BY 4TH RESPONDENT & 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 MR. JUSTICE C.M. POONACHA

ORAL ORDER

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

1. The petitioners have filed the present petition, *inter alia*, impugning an order dated 04.07.2022 [**impugned order**] passed by respondent No.4 [**Deputy Commissioner**], whereby the petitioners' quarry leases (Q.L. Nos.261, 262, 263 and 264) were cancelled on the ground that the petitioners had not commenced mining operations in violation of Rule 6(1) of the Karnataka Minor Mineral Concession Rules, 1994 [**the Rules**]. The petitioners' application for establishing a stone crusher's unit on land falling in survey No.72, Sadali Village, Chikkaballapura was rejected, *inter alia*, on the ground that the area in question is a deemed forest.

2. The learned counsel appearing for the petitioner has confined the present petition to challenging the impugned order on two grounds. First, that the said impugned order cancelling the quarry lease was passed without affording the petitioner an opportunity to be heard. And second, that the Deputy



Commissioner had no authority to pass an order either cancelling the quarry lease or the stone crusher's licence.

3. Insofar as the petitioners' contention that he was not afforded an opportunity of hearing is concerned, the learned Additional Government Advocate accepts the same. Since the petitioner has not been heard, the impugned order is liable to be set aside on the said ground. The concerned authorities are required to take a fresh decision on whether the petitioners' quarry leases and stone crusher license are to be cancelled on the ground set out in the said impugned order, or otherwise, after hearing the petitioners.

4. So far as the competent authority which is required to hear the petitioner is concerned, there is no dispute that the decision to cancel a quarry lease is required to be taken by the Senior Geologist in terms of the notification¹ dated 18.11.2016 issued by the Government of Karnataka, in the exercise of powers conferred under Rule 4 of the Karnataka Minor Mineral Concession Rules, 1994.

¹ No. CI319MAN2016 (1), Bangalore



5. Insofar as cancellation of the stone crusher's license is concerned, Section 9 of the Karnataka Regulation of Stone Crushers Act, 2011 [**the Act**], provides that the exclusive rights of the license may be suspended or cancelled by the District Stone Crushers Licensing and Regulation Authority, which is required to meet at least once a month. It is also relevant to refer to Section 10 of the said Act, which reads as under:

"10. Cancellation of license.—The license issued under this Act may be cancelled suo-moto for the reasons to be recorded in writing by the Licensing Authority or on considering any complaint or application filed by any person to the effect that the license granted is not in accordance with the provisions of this Act and rules or that the licensee has violated the conditions of license:

Provided that no order of cancelling the license shall be made under this section without giving an opportunity of being heard to the licensee or a person aggrieved by such cancellation."

6. A plain reading of Section 10 of the Act, 2011 indicates that a license may be cancelled either (i) *suo motu* or (ii) upon consideration of a complaint or an application filed by any person. Regarding *suo motu* cancellation, it is necessary for the licensing authority to record the reasons for such cancellation. The second limb of Section 10 of the Act, 2011, also states that a licence may



be cancelled upon consideration of any complaint or application to the effect that the licence is not in accordance with the provisions of the Act or the Rules, or if the licensee has violated the conditions of the licence. In either case, an opportunity to be heard must be provided, as explicitly stated in the proviso to Section 10 of the said Act.

7. In the event that any complaint is received, the licensing authority may treat it as a complaint or consider it as information for taking *suo motu* action.

8. In view of the above, we set aside the impugned order and remand the matter to the Senior Geologist and the Licensing Authority for consideration afresh in accordance with the law.

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

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