

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF MAY, 2021

PRESENT

THE HON'BLE MR.ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.9160 OF 2021 (GM-MMS)

BETWEEN:

SRI H.O. SWAMY
S/O SRI H.A.ONKARAPPA
AGED ABOUT 40 YEARS
PRESENTLY R/AT NO.36, SBY LAYOUT
OPPOSITE TO SBT FACTORY
YELAHANKA
BENGALURU-560 064

... PETITIONER

(BY SHRI GANAPATI BHAT VAJRALLI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY
VIDHANA SOUDHA
DR. B.R. AMBEDKAR VIDHI
BENGALURU - 560 001
2. THE PRINCIPAL SECRETARY
DEPARTMENT OF MINES AND GEOLOGY
VIDHANA SOUDHA
DR. B.R. AMBEDKAR VIDHI
BENGALURU - 56 0001
3. THE PRINCIPAL SECRETARY
DEPARTMENT OF FOREST
VIDHANA SOUDHA
DR. B.R. AMBEDKAR VIDHI
BENGALURU - 560 001

4. THE LICENSING AUTHORITY/PRESIDENT
AND DEPUTY COMMISSIONER
DISTRICT STONE CRUSHER LICENSING AND
CONTROLLING AUTHORITY
REP. BY DEPUTY COMMISSIONER
CHITRADURGA - 577502

5. THE DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
KANIJA BHAVAN
BENGALURU - 560 001

6. THE DEPUTY DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
CHITRADURGA TALUK
CHITRADURGA DISTRICT - 577502

7. THE DEPUTY CONSERVATOR OF FOREST
CHITRADURGA TALUK
CHITRADURGA DISTRICT - 577502

8. THE RANGE OFFICER
WILDLIFE RANGE
CHITRADURGA - 577502

... RESPONDENTS

(BY SHRI S.S.MAHENDRA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE IMPUGNED ORDER DATED 30TH JULY 2019
ISSUED BY THE 6TH RESPONDENT AS PER ANNEXURE-J IN
RESPECT OF SCHEDULE QUARRY LEASE AND CRUSHER UNIT
AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING
THROUGH VIDEO CONFERENCING THIS DAY, **CHIEF JUSTICE**
MADE THE FOLLOWING:

ORDER

Issue notice. The learned Additional Government Advocate takes notice for the respondents.

2. This petition will be governed by the judgment and order delivered today (31st May 2021) in W.P.No.9158/2021. For the reasons recorded in the said judgment and order, we pass the following order:

- (a) The impugned order/notice at Annexure-J dated 30th July 2019 is hereby quashed and set aside only on the ground that in the facts and circumstances of the case, the Deputy Director of the Mines and Geology Department had no power to suspend the operations under a subsisting quarrying lease and the crushing activities under a subsisting licence under Section 3 of the said Act of 2011;
- (b) However, this judgment and order will not preclude the concerned respondents from initiating proceedings for cancellation of the lease or licence, as the case may be, in accordance with law;

- (c) We make it clear that we have made no adjudication on the factual assertions made in the impugned order/notice. All the issues are kept open to be decided in the appropriate proceedings;
- (d) Accordingly, the petition is disposed of on the above terms;
- (e) The pending interlocutory application does not survive and is accordingly disposed of.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**