

RESERVED ON 1ST APRIL, 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026



PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 8139 OF 2024 (GM-MM-S)

BETWEEN:

1. ANUSUYAMMA
W/O. LATE B.G. GOPALKRISHNA
AGED ABOUT 48 YEARS
2. B. G. MARUTI PRASAD
S/O. LATE B.G. GOPALKRISHNA
AGED ABOUT 27 YEARS

LRs OF ORIGINAL LESSEE
(LATE) B. GANGANNA
BOTH ARE RESIDENTS OF
BELLARA VILLAGE & POST
CHIKKANAYAKAN HALLI TALUKA
TUMKUR DISTRICT - 572 218

...PETITIONERS

(BY SRI RAVINDRA GAJANAN KOLLE., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY
VIDHANA SOUDHA
BENGALURU - 560 001
2. THE SECRETARY TO GOVERNMENT
DEPARTMENT OF COMMERCE
AND INDUSTRIES



VIKASA SOUDHA
BENGALURU - 560 001

3. THE DIRECTOR AND COMPETENT AUTHORITY
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN
NO. 49, RACE COURSE ROAD
BENGALURU - 560 001

4. THE CHIEF ENGINEER AND
COURT APPOINTED COMMISSIONER
MINOR IRRIGATION DEPARTMENT
GOVERNMENT OF KARNATAKA
K.R. CIRCLE, BENGALURU
BENGALURU - 560 001

...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 OR ANY OTHER ORDER OR DIRECTION, DIRECTING TO QUASH OR SET ASIDE THE ENDORSEMENT AT NO.GaBhuE/Uni(Kha.A)/KaGaGuSa-41/2018-19 DATED 06/03/2019 PASSED BY THE 3RD RESPONDENT DIRECTOR AND COMPETENT AUTHORITY, PRODUCED AT ANNEXURE-A AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, ORDER WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU ,CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

C.A.V. JUDGMENT

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

1. The petitioners have filed this petition under Articles 226 and 227 of the Constitution of India, impugning an endorsement dated 06.03.2019, issued by the respondent No.3 [Director and Competent Authority, Department of Mines and Geology] rejecting the petitioners request for extending the validity of the quarry lease over an area of 3-20 acres in Survey No.26 of Maddakkanahalli village in Sira Taluk, Tumakuru District. The quarry lease is hereinafter also referred to as QL-41.

2. A plain reading of the impugned endorsement indicates that the petitioners' request for renewal of QL-41 was rejected on the ground that the quarry area falls in Survey No.26, which is a lake and within the jurisdiction of the Minor Irrigation Department. The petitioners contend that the extension of QL-41 could not be denied on that ground, as it was considered at the time the lease was granted to their predecessor in interest. They seek to rely on an expert report of the Chief Engineer, Minor Irrigation Department, who was appointed as the Court Commissioner by this Court. He

had, *inter alia*, reported that as per tank *pahani* details, the tank (lake) had not received water since the year 1967-68, and there were sufficient sources for drinking water.

3. The principle question to be examined is whether the petitioners are entitled to an extension of QL-41 in terms of Rule 8A of the Karnataka Minor Mineral Concession Rules, 1994 [**the Rules**].

Facts

4. The petitioners' claim their rights in respect of QL-41 through one B.Ganganna, the original quarry lease holder, as his legal heirs. Sri. B.Ganganna, since deceased, had applied for a quarry lease for extraction of Grey granite over the land falling in Sy.No.26 of Maddakkanahalli village, Sira Taluk, Tumakuru District.

5. Sri B.Ganganna and his son, Sri B.G.Ramadas, were granted a quarry lease over 3-00 acres of land in Sy.No.26 of Maddakkanahalli village, Sira Taluk, and were permitted to carry out mining operations for quarrying grey granite.

6. Certain residents of Maddakkanahalli village filed writ petitions as public interest litigation, contending that there is a village tank in the subject area and that permitting the grantees to

carry on mining operations would damage it. They claimed that the mining operations would be hazardous to the members of the public.

7. The learned Single Judge, by an order dated 03.12.1992 passed in W.P.Nos.23120/1989 to 23123/1989 C/w W.P.Nos.17260 to 17263/1988 C/w. W.P.No. 7436/1989, accepted the contention that carrying on mining activities in the area surrounding the village tank would damage the tank (lake), and the notification granting the mining lease over the said area was quashed.

8. Aggrieved by the said order dated 03.12.1992, Sri.B.Ganganna and his son Sri. B.G.Ramadas filed appeals (W.A.Nos.41 to 49/1993) before the Division Bench of this Court. In the said proceedings, the Division Bench passed an interim order appointing the Chief Engineer, Minor Irrigation, South, K. R. Circle, Bangalore as a Court Commissioner to visit the quarry and the tank situated in Survey No.26 of Maddakkanahalli village, Sira Taluk and submit a report as to "whether the operation of the quarry in question by blasting the rock would affect the surrounding areas including the tank".

9. Pursuant to said direction, the Chief Engineer submitted his report.

10. Since the said Commissioner's report was not before the learned Single Judge, this court by an order dated 15.07.1993 disposed of the intra-court appeals, observing that it would be open to the appellants (Sri.B.Ganganna and his son B.G.Ramadas) to make an appropriate application to the Competent Authority for grant of lease as claimed by them. The Court further directed the Competent Authority to take a comprehensive view of the situation in view of the material placed on record, including the report of the Chief Engineer, and take an appropriate decision after hearing the concerned parties.

11. In compliance with the aforementioned order, the Competent Authority considered the application for quarry lease and executed QL 41 (the quarry lease deed dated 28.09.1996) in favour of Sri.B.Ganganna over an area of 3-20 acres falling in Sy.No.26 of Maddakkanahalli village, Sira Taluk, for a term of five years.

12. Sri B.Ganganna passed away on 27.01.2000, during the term of the QL-41. After his demise, his widow Smt. Lokamma sent a letter dated 19.06.2000 requesting the transfer of QL-41 in

her favour. The said letter is not on record. However, a reference to the same is found in a letter dated 10.02.2004 issued by the Secretary to Government, (Mines, SSI & Textiles) Commerce and Industries Department to the Director, Department of Mines and Geology.

13. The said transfer was not effected, and the term of QL-41 expired on 27.09.2001. Thereafter, on 04.01.2003, Smt. Lokamma filed an application to renew the lease QL-41. Admittedly, the application for renewal of the lease was beyond the period stipulated under the erstwhile Rule 9(2) of the Rules as were then in force.

14. On 10.02.2004, the Secretary to Government, (Mines, SSI & Textiles) Commerce and Industries Department (respondent No.2) sent a letter to Director, Department of Mines and Geology (respondent No.3), communicating the approval for transfer of QL-41 in favour of Smt Lokamma. The said letter indicates that it was in reference to the respondent No.3's letters dated 25.03.2003 and 19.11.2003. The said letter states that in case the department had taken action to transfer the quarry lease (QL-41) in favour of Smt. Lokamma, pursuant to her request dated 19.06.2000, she would have submitted a renewal application in time. Respondent no. 2

directed respondent No.3 to take suitable action for renewal of the quarry lease in accordance with law.

15. Prior thereto, on 31.07.2003, the Deputy Commissioner, Tumakuru District had communicated his no objection for issuance of licence to extract grey granite from the area covered under QL-41. On 08.12.2010, a Committee constituted under Rule 11 of the Rules (as then in force), at its 69th meeting, recommended renewal of the quarry lease QL-41 in favour of Smt. Lokamma, subject to clearance of all dues. The said Committee also observed that the applied area is suitable for quarrying.

16. In the meanwhile, on 06.12.2010, the Deputy Director, Department of Mines and Geology issued a no dues certificate confirming that there were no arrears for the year 2009-10 for the said lease. However, the certificate expressly stated that, as certain payments had been made belatedly, it was issued subject to payment of interest.

17. On 16.06.2012, the office of the Deputy Conservator of Forests issued a letter conveying the Forest Department's opinion that the subject area could be granted for quarrying activities.

18. Thereafter, the matter regarding renewal of quarry lease QL-41 was once again placed before the Committee constituted under Rule 11 of the Rules at the meeting held on 07.11.2014 (80th meeting). At the said meeting, it was noticed that the recent opinion of the Deputy Commissioner for the grant of a quarry lease had not been obtained, and therefore, it was suggested to once again obtain the opinion of the said authority.

19. In the meantime, Rule 8(5) of the Rules was substituted with effect from 16.12.2013. Rule 8(5)(i) of the amended Rules required the competent authority to consult the Deputy Commissioner of the District and obtain a no-objection certificate before granting or renewing a lease, licence or working permission in respect of a specified mineral.

20. In view of the above, the Deputy Commissioner was once again called upon to furnish his opinion, and the said authority did so by a letter dated 13.07.2015. This time, the Deputy Commissioner noted that there was no permission to conduct quarrying activities on the subject land, which is a government lake. The Deputy Commissioner also referred to the Revenue Inspector's report, which stated that Survey No.26 is a government lake. The Deputy Commissioner also referred to the decisions of

the Supreme Court in **Hinch Lal Tiwari v. Kamala Devi and others**¹ (followed by the Madras High Court in **L. Krishna v. State of Tamil Nadu**²) in support of his opinion that no permission to conduct any quarrying activities could be permitted in a lake bed.

21. Smt. Lokamma (the widow of the original lessee under QL-41) expired on 08.05.2016. Almost two years thereafter, the petitioners who claim to be the heirs of the original lessee (petitioner No.1 claims to be the widow of the son of the original lessee and petitioner No.2, her son, is the grandson of the original lessee) filed their request with the Director, Department of Mines and Geology. They claimed that the original lease was deemed to be extended under Rule 8A of the Rules as substituted with effect from 12.08.2016.

22. The said request was rejected by the impugned endorsement. Aggrieved by the said endorsement, the petitioners have filed the present petition.

23. Rule 8A(2) was substituted with effect from 17.03.2023 and it is *inter alia* provided that all the quarrying leases or licences granted before the commencement of the Karnataka Minor Mineral

¹ (2001)6 SCC 496

² 2005(4) CTC 1 Madras

Concession (Amendment) Rules, 2016 would be deemed to have been granted for 50 years in respect of specified minor minerals and 30 years in respect of non-specified minerals from the date of their original grant.

Rival contentions

24. The petitioners contend that, in terms of Rule 8A as substituted by the Karnataka Minor Mineral Concession (Amendment) Rules, 2023, all quarry leases granted before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, are deemed to have been granted for a period of fifty years in respect of specified minor minerals.

25. Next, it is contended that the impugned endorsement is erroneous, as the issue of whether QL-41 could have been granted in respect of the land falling in Survey No. 26 was examined by the authorities at the time of the original grant. The department had also considered the Expert report of the Court Commissioner appointed by this Court and, on the said basis, executed the quarry lease (QL-41).

26. It is also contended that the delay in filing an application for renewal of the quarry lease was condoned and, therefore, cannot

be a ground for denying the petitioners the benefit of a deemed extension of the original lease.

27. The respondents had filed their statements of objection and additional statements of objection contesting the petition on essentially four grounds. First, the application for renewal of the lease was not filed within the stipulated time; therefore, the lease (QL-41) expired on 27.09.2001. Second, the present petition has been filed after an inordinate delay of almost four years, and there are no grounds to condone the delay. Third, the subject area over which the renewal of the lease is sought is a lake, and quarrying activities cannot be permitted on the bed of the government lake. And fourth, that the petitioners have an equally efficacious remedy for revision under Rule 53 of the Rules and therefore the present writ petition ought not to be entertained.

Reasons and Conclusion

28. As apparent from the above, there are two principal questions to be addressed. First, whether the quarry lease could be permitted in an area that comprises a government lake; and second, whether the petitioners' predecessors were entitled to renewal of the quarry lease QL-41, even though the application for renewal had not been filed within the specified time.

29. There is no dispute that the subject area over which QL-41 was granted is a part of the bed of a government lake. However the petitioners contend that, notwithstanding that the area comprised in Survey No.26 of Maddakkanahalli village, Sira Taluk is a government tank, quarrying could be permitted as the said lake had dried up and had not received water since 1967-68. The said assertion is sought to be substantiated by the Expert report dated 22.03.1993 furnished by the Chief Engineer of the Minor Irrigation Department (Court Commissioner).

30. At this stage it is relevant to refer to the report dated 22.03.1993 of the Expert (the Chief Engineer, Minor Irrigation Department), furnished to this Court. A copy of the said report is placed on record. The said report indicates that there is a small irrigation tank with an *atchkat* of less than 40 hectares in Survey No.26. Further records indicated that the tank had an *Atchkat* of 32 acres and 37 guntas. The water spread area of the tank in question was 53 acres and 5 guntas. However, part of the lake area had been segregated by the accumulation of excavated debris and quarry muck. The relevant extract to the said report is set out below.

"As per the details available from the records of Zillah Parishad Division, Mudhugiri the tank having an Atchkat of 32 acres and 37 guntas. The water spread area is 53 acres and 5 guntas. It is having one irrigation sluice at the left bank, it has no water over it. On enquiry, it is reported that the surplus water used to discharge through the small halla on the right side of bund, which is now become a quarry.

This quarry (i.e., portion of Sy.No.26) and the tank bed is bifurcated by putting the excavated debris and quarry muck and katcha road for the movement of lorry and other vehicles of private companies has been formed.

31. It was also reported that at the time of inspection there was no water in the tank and it had completely dried up. The Court Commissioner also reported that, as per the extract of the *pahani* details, the tank had not received water since 1967-68. It was also reported that if the tank gets water, it stands there for only about two months in the rainy season and then dries up due to seepage. Thus, there was no possibility of using the said water for drinking purposes. The Court Commissioner also reported that there was no problem of drinking water as there existed borewells in the village. Additionally, the Commissioner reported that quarry operations appear to have been conducted in the area for a long time, as there were deep ditches and pits more than 50 feet deep resulting from quarrying, and water from the tank bed would seep into these ditches. The water so collected would be pumped and used for crops in the *Atchkat* area. It is also reported that the opinion of the

Irrigation Authorities had not been sought before the area was granted for quarrying activities.

32. It is apparent from the report that the area in question is a lake bed, and that no permission had been sought from the Irrigation Department to divert the said land for quarrying purposes.

33. However, notwithstanding the same, the competent authorities granted the lease and executed QL-41 in favour of Sri. B.Ganganna (original lessee). After his demise, his widow filed an application on 04.01.2003 for seeking renewal of the lease and the said application remains pending for several years.

34. It is also apparent from the records that quarrying activities were carried out in the subject land even after the lease had expired. It is contended by the petitioners, and not disputed by the respondents, that dispatch permits had been issued and royalty had been collected in respect of mineral extracted after the term of lease QL-41 had expired. The documents placed on record indicate that prior to 2015, the concerned authorities had expressed their opinion in favour of permitting quarrying activities on the subject land, notwithstanding that it was part of a government lake.

35. As noted above, Smt. Lokamma had filed an application for renewal of the lease, and the Deputy Commissioner had furnished his no-objection to conduct quarrying by a letter dated 31.07.2003. The said letter also notes that the subject land, falling under Survey No. 26 of Maddakkanahalli village, is classified as a government lake, and there was a temple and a school within half a kilometre of the said area. Notwithstanding the same, the Deputy Commissioner concurred with the recommendation of the Tahsildar and furnished his no objection to the quarry lease for extracting grey granite over the subject land.

36. The Deputy Director has also furnished a report dated 11.08.2010 pursuant to Smt. Lokamma's application for renewal of QL-41. The same also did not indicate that the department had any objections to the renewal of the quarry lease.

37. The minutes of the 69th meeting of the Rule 11 Committee held on 08.12.2010 record the Committee's view that the applied area is suitable for a quarry and the recommendation for renewal of the quarry lease subject to clearance of all dues.

38. The Deputy Conservator of Forests has also furnished a letter dated 16.06.2012 stating that there were no reserved forest

area within 10 to 15 kilometers of the area in question; that quarrying activities had been conducted there for several years; and that they did not harm wild animals and birds.

39. However, there seems to have been a change in opinion thereafter. The matter regarding renewal of the quarry lease (QL-41) was once again placed before the Committee constituted under Rule 11 on 07.11.2014. In the meantime, as noted above, Rule 8(5) of the Rules was substituted with effect from 16.12.2013, requiring the Deputy Commissioner of the District to be consulted before the grant or renewal of a lease, licence, or any working permission for a specified mineral.

40. The Rule-11 Committee once again sought the opinion of the Deputy Commissioner. He furnished the same by a covering letter dated 13.07.2015. Contrary to the earlier opinion of the Revenue Authorities, the Deputy Commissioner has now raised an objection to the renewal of lease QL-41 for carrying on quarrying activities in a government lake.

41. As noted above, Smt Lokamma, who had made the application for renewal of the quarry lease QL-41, expired on 08.05.2016.

42. The Rules were amended, and in terms of Rule 8A of the Rules, as substituted by the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, with effect from 12.08.2016, the term of the lease granted in respect of a specified minor mineral was deemed to have been extended for a period of thirty years from the date of the grant. After the amendment to the Rules, the petitioners sent a letter dated 18.01.2018, requesting the grant of a quarry lease to extract grey granite by extending the term of QL-41 for a period of thirty years from the date of the original grant.

43. Plainly, a view that quarrying activities are not to be permitted in an area which is a lake cannot be faulted. Although it is contended that the lake in question is a dry lake and has not received water since 1967-68, the material on record indicates that whenever the tank does receive water, the same stands for about two months during the rainy season before draining away by seepage. The Court Commissioner's report also indicated that mounds of debris and excavated material have been created to demarcate the area of the lake where quarrying activities were conducted. It is also reported that deep pits from quarrying collect water from the lake, which is then used for irrigation. In these facts,

the revenue authorities' opinion that quarrying activities should not be permitted warrants no interference.

44. The village residents were concerned about permitting quarrying in a lake bed. This was specifically flagged by some of them, who filed public interest litigation to prevent the grant of a quarry lease in the area in question way back in 1988-89. However, after the matter was remitted to the concerned authorities to consider the question afresh, the said authorities, despite being aware that the area in question is a part of the lake, concurred with the grant of the quarry lease.

45. We are unable to accept that the Deputy Commissioner was estopped from forming an opinion that quarrying ought not to be permitted in a lake bed on account of the earlier opinion of the concerned authorities. The renewal of the lease is, in effect, a fresh lease, albeit on the same terms and conditions as the extant lease. And, it is not disputed that the no-objection of the concerned revenue authorities was necessary for the renewal of the lease.

46. The next question for consideration is whether the benefit of the amended Rule 8A of the Rules, as amended by the Karnataka Minor Mineral Concession (Amendment) Rules, 2023, is available

time for filing the application for renewal of a quarry lease; thus, QL-41 expired on 27.09.2001, on expiry of its term. In the absence of any specific provision permitting renewal of the lease beyond the period stipulated at the material time, the concerned authorities have no power to renew an expired lease.

50. Smt. Lokamma's application for renewal of the lease for QL 41 has not been placed on record. The said application indicates that she had sought renewal of the lease for a further term of five (5) years. Thus, even if it is assumed that the said application would have been filed within the time and allowed, QL-41 would, in any event, have expired on 27.09.2006. There is no averment that applications for further renewal of the lease, QL-41, were made by Smt. Lokamma or the petitioners.

51. Concededly, Rule 8A of the Rules was amended with effect from 12.08.2016 and was further substituted with effect from 17.03.2023. The import of the amendments was not to resuscitate leases that had expired and in respect of which no applications for renewals were pending. The deemed extension of the lease term did not revive dead leases. Rule 8A(3) of the Rules as in force with effect from 12.08.2016 expressly provides that the deemed extension is "*subject to the condition that all terms and conditions*

of the lease have been complied with and also subject to the condition that application for renewal of the expired lease had been made by the lessee within the time required for making such renewal application” [G.K.Basavaraju v. State of Karnataka³].

52. In the present case, the renewal application filed by Smt. Lokamma was beyond the stipulated period and therefore could not have been granted. The contention that she was prevented from filing the application because QL-41 was not transferred in her name after her husband's demise, despite her having applied for the same, is unpersuasive. This is because she had applied for renewal on 04.01.2003, even though QL-41 had not been transferred in her name. Thus, nothing prevented her from seeking renewal ninety days prior to its expiry. In any event, the efficacy of the application stood exhausted, as the term for which renewal was sought expired on 27.09.2006.

53. The petitioners have relied on several communications on record indicating that Lokamma's application for renewal was considered to be subsisting. As noted above, the same was put up before the Committee constituted under Rule 11 of the Rules at least twice (at the 69th meeting held on 08.12.2010 and at the 80th

³ NC:2025:KHC:28411-DB

meeting held on 07.11.2014). The minutes of the meetings also indicate that the said application was treated as live/subsisting, and at the 69th meeting, it was also recommended for renewal. However, the view or the conduct of the authorities in this regard does not create any vested right or interest in the extension of the quarry lease term. The quarry lease can be granted, renewed or extended only in accordance with the Rules that are in force.

54. Smt. Lokamma expired on 08.05.2016. As on the date of her demise, the quarry lease QL-41 had not been renewed in her favour. During the course of arguments, the learned counsel appearing for the petitioners confirmed that the quarrying activities had stopped in the year 2012 itself.

55. In the given circumstances, we are unable to accept that any subsisting interest or right in respect of QL-41 was vested in Smt. Lokamma as on the date of her demise that is on 08.05.2016.

56. The petitioners claim rights as legal heirs of the original lessee. However, they had made no application for the transfer of the QL-41 in their names, upon the demise of the original lessee or upon the demise of Smt. Lokamma.

57. In view of the above, we are unable to accept that the petitioners are entitled to any relief in this petition. The petition is accordingly dismissed.

58. Pending applications shall stand disposed of.

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

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

KMV