

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE DAY OF 01<sup>ST</sup> JUNE, 2026**

**PRESENT**

**THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE**

**AND**

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

**WRIT PETITION NO. 4271 OF 2024 (GM-MM-S)**

**BETWEEN:**

1. SHREE SHESHADRI STEELS AND  
METALICS PRIVATE LTD  
BEING A COMPANY INCORPORATED UNDER  
COMPANIES ACT, 1956  
HAVING ITS REGISTERED OFFICE AT  
D No.45, WARD No.224  
OPP. MBT PETROL BUNKS  
1<sup>ST</sup> FLOOR, BELLARY ROAD  
HOSPET

REPRESENTED BY ITS AUTHORIZED  
SIGNATORY  
I YERRISWAMY

...PETITIONER

(BY SRI V. SRINIVASAN RAGHAVAN, SENIOR ADVOCATE A/W  
SMT. NAYANA TARA B.G., ADVOCATE &  
MS. VIDYA PAI, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
BY THE DIRECTOR  
DEPARTMENT OF MINES AND GEOLOGY  
KHANIJA BHAVAN  
RACE COURSE ROAD  
BANGALORE - 560 001



2. DEPUTY DIRECTOR  
DEPARTMENT OF MINES AND GEOLOGY  
KHANIJA BHAVAN  
RACE COURSE ROAD  
BANGALORE - 560 001
  
3. SENIOR GEOLOGIST (M & J)  
DEPARTMENT OF MINES AND GEOLOGY  
BELLARY DISTRICT  
KARNATAKA - 583 101

...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, ORDER, OR DIRECTION IN THE NATURE OF A DECLARATION DECLARING THAT THE QUARRY LEASE/LICENSE BEARING NUMBER 306/11-12 DATED 28/05/2011 AT ANNEXURE-B GRANTED BY THE RESPONDENT NO.1 IS VALID FOR A PERIOD OF 20 (TWENTY) YEARS FROM 28/05/2011 BEING THE DATE OF GRANT OF LEASE AS PER RULE 8A OF THE KARNATAKA MINOR MINERAL CONCESSIONS (AMENDMENT) RULES, 2016 & 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. JUSTICE C.M.POONACHA)

1. The petitioner has filed the present petition seeking for the following reliefs:

"a) Issue a writ, order, or direction in the nature of a Declaration declaring that the Quarry Lease/License bearing number 306/11-12 dated 28/05/2011 at Annexure-B granted by the Respondent No.1 is valid for a period of 20 (twenty) years from 28/05/2011 being the date of grant of lease as per rule 8A of the Karnataka Minor Mineral Concessions (Amendment) Rules, 2016;

b) Issue a writ, order, or direction in the nature of a Declaration declaring that the Quarry Lease/License bearing number 307/11-12 dated 28/05/2011 at Annexure-C granted by the Respondent No.1 is valid for a period of 20 (twenty) years from 28/05/2011 being the date of grant of lease as per rule 8A of the Karnataka Minor Mineral Concessions (Amendment) Rules, 2016;

c) Consequently permit the Petitioner to carry out quarrying operations under the Quarry Lease/License bearing number 306/11-12 and 307/11-12 dated 28/05/2011 Annexure-B and Annexure-C granted by the Respondent No.1 ;

d) Direct the Respondents by way of a writ of mandamus or any other writ, order, or direction of similar nature to issue mineral dispatch permit in terms of Quarry Lease/License bearing number 306/11-12 and 307/11-12 dated 28/05/2011 Annexure-B AND Annexure-C granted by the Respondent No.1 for an extent of 5 acres and 8 acres respectively in Hussainpur Village, Koppal district for quarrying building stone;

e) Issue a Writ of Certiorari or any other writ, order, direction of similar nature quashing the order dated 22/10/2016 bearing number Ga Bhu E Ko Kh V: Ka Ga Gu:2016-2017:1016 passed by Respondent No.3 produced as Annexure-H;

f) Issue a Writ of Certiorari or any other writ, order, direction of similar nature quashing the order dated 22/10/2016 bearing number Ga Bhu E Ko Kh V Ka Ga Gu:2016:2017:1013 passed by Respondent No.3 produced as Annexure-J"

2. The petitioner was granted two quarry leases for building stone: i) QL No.306 dated 28.05.2011 for 5 acres in Survey No.4 of Hussainpur Village, Koppal District; and ii) QL No.307 dated 28.05.2011 for an extent of 8 acres in Sy.No.4 of Hussainpur Village, Koppal District [said leases]. The said leases were granted for a period of five years from the date of grant i.e., upto 27.05.2016.

3. Before expiry of the leases, the petitioner sought for extension of leases. The application for extension was made on 27.02.2016. The said applications not having been considered, the petitioner filed WP No.32288/2017. A Co-ordinate Bench of this Court by order dated 19.07.2017, disposed of the said writ petition by directing the authorities to consider the applications dated 27.02.2016 filed by the petitioner within a period of six weeks. The petitioner, contending that despite the direction given vide order dated 19.07.2017, in W.P.No 32288/2017, the application of the petitioner not having been considered, filed another W.P.No.1356/2022. A Co-ordinate Bench of this Court, by its order

dated 27.01.2022 dismissed the writ petition as being not maintainable.

4. In the meanwhile, by the order dated 22.10.2016, the quarry leases of the petitioner were extended for a period of one year from 26.05.2017 as per Rule 21(2A) of the Karnataka Minor Mineral Concession Rules, 1994 [KMMC Rules, 1994]. The said extension was premised on the understanding that by virtue of Rule 21(2A) of KMMC Rules 1994 [as it stood prior to the amendment of the KMMC Rules, 1996], the petitioner was entitled for deemed extension of the quarry lease for a period of one year.

5. The petitioner seeks to impugn the order granting extension of lease for a period of one year on the ground that having regard to Rule 8A of the KMMC Rules, 1996, which has been incorporated pursuant to the KMMC Amendment Rules, 2016, the petitioner is entitled to a deemed extension for a period of twenty years. It is also the contention of the petitioner that the application for extension of mining leases having been pending, the same has not been considered by the concerned authorities in a time bound manner.

6. At this juncture, it is pertinent to note that admittedly the quarry leases of the petitioner were for a period of five years from 28.05.2011 and the said leases expired on 27.05.2016. The petitioner has made an application for extension of the leases on 27.02.2016. Rule 21 of the KMMC Rules, 1994 provides for extension of a quarrying lease for a period of one year, if the application for extension is made within the stipulated time. Accordingly, the quarry lease of the petitioner has been extended on 22.10.2016 for a period of one year till 26.05.2017.

7. It is relevant to note that vide the KMMC (Amendment) Rules 2016 which came into effect from 12.08.2016, Rule 21 of the KMMC Rules, 1994, was omitted.

8. Vide the KMMC (Amendment) Rules, 2016, Rule 8A was inserted, which, *inter alia*, provided that all quarrying leases shall be deemed to have been granted for a period of 30 years for specified minerals and a period of 20 years for non-specified minerals. The said Rule 8A was inserted with effect from 12.08.2016.

9. In the present case, the quarry leases of the petitioner were originally granted on 28.05.2011 for a period of 5 years and the

same expired on 27.05.2016. As on the date of expiry of the quarry lease of the petitioner, Rule 8A of the KMMC Amendment Rules, 2016, was not in force and Rule 21 of the KMMC Rules, 1994 was applicable. It is relevant to notice sub-Rule 2A of Rule 21 of the KMMC Rules, 1994, which reads as under:

"21 xxx

(2A) If an application for renewal of a quarrying lease made on or before the expiry of the lease, is not disposed of by the Competent Authority before such expiry, the period of lease shall be deemed to have been extended only for a period not exceeding one year from the date of expiry of the lease held and the deemed extension shall be treated as lapsed from thereafter the lessee shall stop from continuing the quarry activities.

Provided that in case of leaseholders who are in the deemed extension period of the leases before 16-12-2013, they shall also deemed to be under extended period of not exceeding one year from 16-12-2013 and thereafter they shall stop the quarrying activity forthwith."

(emphasis supplied)

10. Accordingly, the quarry leases of the petitioner were extended for a period of one year up to 26.05.2017. The action of the concerned authorities in this regard cannot be faulted.

11. The relief sought for by the petitioner is also not liable to be granted having regard to the fact that the petitioner had filed W.P.No.3228/2017 seeking for consideration of the application dated 27.02.2016 for renewal of the quarrying lease for a period of

20 years in terms of Rule 8A(1) of the KMMC (Amendment) Rules, 2016. A Division Bench of this Court, vide order dated 19.07.2017 directed the authorities to consider the said application within a period of six weeks. Thereafter, alleging non consideration of the application, despite the order dated 19.07.2017 passed in W.P.No.3228/2017, the petitioner filed another writ petition (W.P.No.1356/2022) seeking for consideration of the renewal application dated 27.02.2016 for extension of quarry leases (QL No. 306/2011-12 and QL No. 307/2011-12) for a period of 20 years as per Rule 8A(1) of the KMMC (Amendment) Rules, 2016 and for other reliefs. It is relevant to notice the reliefs sought for by the petitioner in the said W.P.No.1356/2022:

"a) Issue a writ of mandamus or such other appropriate writ or orders or directions directing the 3rd respondent to extend the quarry lease for QL No.306/11-12 dated 28.05.2011 with regard to area of 5 Acres in Sy.No.4 of Hussainpura Village, Koppal Taluk and District for building stone (i.e., Annexure-A) and quarry lease No.307/11-12 dated 28.05.2011 with regard to area of 8 Acres in Sy.No.4 of Hussainpura Village, Koppal Taluk & District for building stone (i.e. Annexure-A1) pursuant to the renewal applications dated 27.02.2016 i.e., Annexures-B1 & B2 for a period of 20 years as per Rule 8A(1) of the Karnataka Minor Mineral Concession (Amendment) Rules 2016 and

b) to consequently direct the 3rd respondent to issue mineral dispatch permits in terms of QL No.306/11-12 dated 28.05.2011 with regard to area of 5 Acres in Sy.No.4 of Hussainpura Village, Koppal Taluk and District for quarrying building stone and in terms of QL No.307/11-22 dated 28.05.2011 with regard to an area

of 8 Acres in Sy.No.4 of Hussainpura Village, Koppal Taluk & District for quarrying building stone;

c) to award costs and grant such other reliefs as this Hon'ble Court deems fit and expedient in the circumstances of the case in the interests of justice and equity."

12. A Co-ordinate Bench of this Court vide order 27.01.2022 dismissed the writ petition by holding that a second writ petition is not maintainable. The present writ petition has also been filed for essentially the same reliefs and hence the present writ petition is not maintainable even on the said score.

13. It is the case of the petitioner that the applications for renewal have not been rejected and the renewal of one year granted on 22.10.2016 is subsequent to the coming into force of the KMMC (Amendment) Rules, 2016, which came into effect on 12.08.2016. Hence, the said renewal of one year is *non est* in law since Rule 21(2A) of the KMMC Rules, 1994, stood repealed. However, the same would not entitle the petitioner for grant of deemed extension in terms of Rule 8A of the KMMC Rules, 2016, having regard to the admitted position that the tenure of the lease itself had expired on 27.05.2016, which was prior to the coming into force of Rule 8A in terms of the KMMC (Amendment) Rules, 2016. Further, the application for renewal having been filed by the

petitioner within the stipulated time on 27.02.2016, the same was required to be considered as per the rules in force when the leases had expired and accordingly, the extension of the quarry leases by one year is not liable to be interfered with.

14. The official respondents have also objected to the grant of reliefs sought for in the writ petition by contending that the area, which was the subject matter of Q.L.Nos.306/2011-12 and 307/2011-12 is classified as a forest area. In that regard, it is sought to be contented by the petitioner that the original period of leases having been granted with respect to the same area, it is not open to the concerned authorities to object for granting of deemed extension on the ground that it is classified as forest area. In the said context, affidavit dated 09.01.2026 has been filed by the Deputy Commissioner of Forests, Koppal District, stating that Survey No.4 of Hussainpur Village, Hitnal Hobli, Koppal Taluk, Koppal District, is forest land. Further, in the affidavit dated 13.02.2026, the Deputy Conservator of Forests, Koppal, has affirmed as under:

"2. I submit that the Expert Working Committee was constituted as per the G.O. No.FEE 185 FAF 2011 dated 15.05.2014 for identification of deemed forest only. Copy of the said GO is produced herewith as ANNEXURE-R4. I submit that Sy.No.4 of Hussainpura village, Koppal district is an "unclassified forest". Any

area recorded as a forest in the Government records, such as "working plan" is a forest. Considering that Sy.no.4 of Hussainpura village is an unclassified forest in the Hand Book of Forest, the Working Committee not being empowered to consider the same, has not done so. Be that as it may.

3. On the issues of identification of Deemed Forests are concerned and also as per the directions of the Hon'ble Supreme Court in WP (Civil) 202 of 1995, District Divisional and State Level Committees were constituted vide Government Order No.FEE 185 FAF 2011 Bengaluru dated 15.05.2014 for verification and finalization of Village and Survey number wise of the extent of deemed forests in the State of Karnataka.

4. As per the above directions, I verified the records maintained in our Office and found that my predecessors (Deputy Conservator of Forests, Koppal District) acting on the said orders and directions of the said GO dated 15.05.2014, after conducting the joint Survey by the Forest and Revenue Departments on considering the guidelines and norms prescribed in the said GO dated 15.05.2014 submitted a detailed report on 08.05.2015 to the Deputy Commissioner (R), Koppal District. A copy of the said report dated 08.05.2015 is produced herewith and marked as ANNEXURE-R5.

5. This report dated 08.05.2015 addressed by the Deputy Conservator of Forest, Koppal district specifies that, the total area determined as "Deemed Forest" was 8312.39 Hectares and an extent of 3821.66 Hectares was considered as "new areas" in terms of Dictionary Meaning of deemed forest except Revised Expert Committee -1 (REC-1) dated 15.05.2014. Hence, in the entire Koppal District, the total area of 12134.05 Hectares was reported as Deemed Forest. The said report also excluded a total area of 3146.09 Hectares from the Deemed Forest from REC-1.

6. I submit that, in the said report dated 08.05.2015, the subject land in Sy.No.4 of Hussainpura Village of Koppal Taluka and district measuring of 297.88 Hectares was excluded from the deemed Forest and a remarked was made as "Do not follows dictionary meaning".

7. I further submit that, the Expert Committee constituted under the Government Order dated 15.05.2014 considered the reports from the District Level Expert Committee. However, the Notification by the State Government vide GO dated 05.05.2022 was issued after considering the earlier report for declaring as "deemed Forest" as per the guidelines and norms prescribed in the said GO dated 15.05.2014.

8. I submit that, the said subject land measuring 297.88 Hectares in Sy.No.4 of Hussainpura Village of Koppal Taluka and District is not a "deemed forest", However it has been recorded in the Government record as a 'Forest', as on or after 25<sup>th</sup> October 1980. As such the land in question is a "Recorded/Unclassified Forest land" as per the "Hand book of Forests in Raichur" produced as Annexure-R1.

9. I submit that, the subject land is still recorded as other Government lands under the control of Forest Department in Koppal Division (Unclassified lands and TFS areas) in the working plan of the Koppal forest Division dated 25.11.2003" approved by the Central government and also sanctioned by the State Government vide Order No.FEE 205 FAP 2002 dated 05.12.2003. The above Government Orders are still in force and holds bearing on the subject lands and it is not nullified either by the Central or State Level Authorities. Hence, the entire Sy.No.4 subject land comprising of 297.88 Hectares of Hussainpura village of Koppal Taluka and District is a "recorded forest."

(emphasis supplied)

15. It is sought to be contended on behalf of the petitioner that the subject land is not classified as a deemed forest in the GO dated 05.05.2022 and hence, the contention that the subject land is to be construed as forest land is liable to be rejected. In this context, it is pertinent to note that there is material on record to

indicate that the subject land has been classified as "unclassified forest", which is reflected in the book "Forests in Raichur" brought out in the year 1996. There is abundant material on record to indicate that the present land has been classified as forest land. Hence, the contention put forth by the official respondents in this regard, merits consideration.

16. Further, with regard to the contention that the area originally having been granted as a quarrying lease, at the time of extension the objection from the Forest Department ought not to be looked into has been considered by this Court in the case of ***M/s. STG Infransys Pvt. Ltd., v. State of Karnataka & Ors.***<sup>1</sup>. This Court has held that even if the quarry lease has been granted in respect of the original area at the time of deemed extension also, the aspect whether the land is forest land can be considered.

17. In view of the aforementioned discussion, the relief sought for by the petitioner in the present petition is not liable to be granted.

18. Accordingly, the above petition is dismissed as being devoid of merit.

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<sup>1</sup> NC:2025:KHC:54679-DB (W.P.No.19559/2025 (GM-MM S), DD 18.12.2025)

19. All pending applications are also disposed of.

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

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

vmb/nd