HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO. 18350 OF 2026 (GM-MM-S)

BETWEEN:

1. SRI IBRAHIM
   A/A 45 YEARS
   S/O ABBAS
   HUNSE KATTE PILIGUDU HOUSE
   KALLERI POST, KARAYA
   BELTHANGADY TALUK
   DAKSHINA KANNADA - 574 326

…PETITIONER

(BY SRI VIKRAM HUILGOL, SENIOR ADVOCATE FOR
MS. ANUSHA S.H., ADVOCATE)

Digitally signed by SRIDEVI S
Location: High Court of Karnataka

AND:

1. STATE OF KARNATAKA
   REPRESENTED THROUGH THE DIRECTOR
   DEPARTMENT OF MINES AND GEOLOGY
   KHANIJA BHAVAN
   RACE COURSE ROAD
   BENGALURU - 560 001

2. THE DEPUTY COMMISSIONER
   ALSO THE CHAIRMAN
   DISTRICT SAND MONITORING COMMITTEE
   DAKSHINA KANNADA DISTRICT
   MANGALURU - 575 001

3. THE SENIOR GEOLOGIST
DEPARTMENT OF MINES AND GEOLOGY
GROUND FLOOR,
PRAJASUDHA LAYOUT
PADIL, MANGALORE
DAKSHINA KANNADA - 574 265

...RESPONDENTS

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

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS COMMANDING THE RESPONDENTS TO EXECUTE AND REGISTER SAND QUARRY LEASE PURSUANT TO THE LETTER OF INTENT/PROVISIONAL ACCEPTANCE LETTER DATED 24.02.2026, PRODUCED AT ANNEXURE-A IN RESPECT OF SAND BLOCK, MEASURING 4.40 ACRES OF LAND IN SY.No.28 OF MOGRU VILLAGE, BELTHANGADY TALUK, SUBJECT TO PETITIONE'S FURTHER COMPLIANCE OF STATUTORY CLEARANCES AND CONDITIONS AS STIPULATED IN THE PROVISIONAL LETTER OF ACCEPTANCE AND THE TENDER DOCUMENT PRODUCED AT ANNEXURE-F & ETC.

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 MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

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

1. The learned Government Advocate accepts notice for the respondents.

2. The petitioner has filed the present petition, *inter alia*, praying that the respondents be directed to execute and register the sand quarry lease in favour of the petitioner, pursuant to Letter of Intent/ Provisional Acceptance Letter dated 24.02.2026 [**the Provisional Acceptance Letter**] in respect of sand block measuring 4.40 acres situated at Survey No.28 of Mogaru Village, Belthangady Taluk, Dakshina Kannada District. The petitioner had participated in the tender process initiated by the respondents on 06.11.2025 for the disposal of sand blocks, including the sand block in question.

3. One of the conditions for participating in the tender is furnishing a No Due Certificate, confirming that there are no arrears payable. Respondent No.3 had issued a certificate dated

03.12.2025 to the aforesaid effect, which was furnished by the petitioner along with the tender documents.

4. The petitioner's technical bid was accepted on 02.01.2026. However, thereafter, respondent No.3 issued a notice dated 05.01.2026, calling upon the petitioner to pay a sum of ₹39,62,678/- in respect of an earlier sand quarry lease held by him over a sand block in Sy.No.72 of Baraya Village, on account of his failures for the financial years 2019-20 to 2021-22, to meet the mandatory minimum production and dispatch requirement of 50% of the permitted annual production quantity. The said notice also set out the break-up of the said demand.

5. The e-auction of the sand blocks was conducted on 12.02.2026, and the petitioner emerged as the successful bidder for the sand block in question. Thereafter, the petitioner has also obtained the environmental clearance from the concerned authority. However, notwithstanding the same, the concerned authorities have withheld the execution of the lease deed on the ground of the pending demand.

6. It is the petitioner's case that the pending demand is liable to be set aside because it pertains to the pandemic period, during which production could not be carried out.

7. The learned Government Advocate disputes the said contention.

8. Considering the controversy involved in the present case, we are unable to accept that any directions are required to be issued to the concerned authority for execution of the quarry lease in favour of the petitioner, pending settlement of the outstanding demand. A plain reading of the petition indicates that the petitioner does not dispute the shortfall in production. Concededly, if the terms of the lease are strictly adhered to, the petitioner would be required to pay the said demand.

9. The learned senior counsel appearing for the petitioner submits that the petitioner has already preferred a revision petition challenging the said demand. The said petition has been heard, and the final decision is awaited.

10. After some arguments, the learned senior counsel for the petitioner submits that the present petition be disposed of with a direction to the revisional authority to decide the revision petition as expeditiously as possible. We further clarify that in the event the petitioner prevails in the revision petition before the revisional authority, the concerned authority shall execute and register the necessary lease deed in favour of the petitioner, subject to the petitioner obtaining all statutory and the necessary clearances.

11. The petition is disposed of with the aforesaid direction.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

SD
List No.: 2 Sl No.: 20