

(2022) 04 KAR CK 0040

In the Karnataka High Court

Case No : Writ Petition No. 7180 Of 2022 (GM-MM-S)

Schedule Caste And Schedule Tribe Stone Crushers Co-
Operative Society Ltd.Melinakuruvalli Kuruvalli Post
Theerthahalli Taluk Shivamoga District - 577 432

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 13-04-2022

Acts Referred:

Karnataka Minor Mineral Concession Rules, 1994 — Rule 56

Citation : (2022) 04 KAR CK 0040

Hon'ble Judges : Ritu Raj Awasthi, CJ;S.R. Krishna Kumar, J

Bench : Division Bench

Advocate : Jayakumar S. Patil, S.S. Mahendra

Final Decision : Dismissed

Judgement

Ritu Raj Awasthi, CJ

1. Learned Additional Government Advocate shall accept notice for respondent Nos.1 to 4. A copy of the writ petition shall be handed over to learned Additional Government Advocate during the course of the day.

2. Heard Mr.Jayakumar S.Patil, learned Senior Advocate for the petitioner.

3. The writ petition has been filed seeking the following reliefs:

"a. A Writ in the nature of certiorari quashing the Notification No.Ga.Ni/ Ji.Ta/ 3F/ Adhisoochane/ 2021-22 dated 16.02.2022 issued by Respondent No.4 at ANNEXURE-H. Consequently, quash newspaper Notification No.GaNi/ Ji.Ta.sabhe/3F/ Adhisuchane/2021-22 dated 15.03.2022 issued by Respondent No.3 at ANNEXURE-H1, in the Interest of Justice and Equity.

b. A Writ in the nature of Mandamus directing the Respondents to allot the land to an extent of 6 acres in Survey No.75 of Melinakuruvalli Village, Thirthahalli Taluk, Shimoga district to Petitioner Society for a period of 20 years under Rule

56 of KMMC Rules, in the Interest of Justice and Equity.

c. Pass such other orders as may be appropriate in the facts and circumstances of the case, in the ends of Justice and Equity.”

4. Learned Senior Advocate for the petitioner submits that Rule 56 of the Karnataka Minor Mineral Concession Rules, 1994 (for short, “the said Rules”) relates to the power of the State Government to relax the said Rules with respect to grant of quarrying lease or licence for quarrying or reserve any land on such terms and conditions other than those prescribed in the said Rules as the State Government may by order specify. The submission is that the quarrying lease for the period of twenty years in favour of the petitioner had expired. The Director, Department of Mines and Geology, vide letter dated 22.09.2021, had informed respondent No.3 – Senior Geologist that as a special case, a proposal has to be submitted to the Government for grant of relaxation under Rule 56 of the said Rules. Accordingly, the proposal was sent to the State Government. However, without the matter being placed before the State Government, respondent No.4, on his own, issued the impugned notification dated 16.02.2022 and respondent No.3, by the impugned newspaper notification dated 15.03.2022, informed that a decision has been taken by the District Task Force Committee to auction the land in question as per the said Rules for sanction of quarry lease. It is submitted that respondent No.2 - Director of Mines and Geology does not have any power to reject the proposal for relaxation of the said Rules in a special case as it is to be done by the State Government.

5. We have considered the submissions and gone through the record.

6. We are of the considered view that the power of relaxation of the said Rules in public interest in a special case has been given to the State Government. However, it does not confer any right on the petitioner to claim such relaxation and even if the proposal was not placed before the State Government or a decision has been taken by respondent No.2 to proceed with the matter regarding auction and sanction of lease on the basis of recommendation of the District Task Force Committee, it does not mean that the petitioner has any right to claim relaxation under Rule 56 of the said Rules.

7. The writ petition, being devoid of merit, is dismissed.