

Deepak vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Jun-28-2024

Judge : Chief Justice,K. V. Aravind

Appeal No. : WP/10253/2024

Appellant : Deepak

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JUNE, 2024 PRESENT THE HON'BLE MR N. V. ANJARIA, CHIEF JUSTICE AND THE HON'BLE MR JUSTICE K V ARAVIND WRIT PETITION NO. 10253 OF 2024 (GM-MMS) BETWEEN: DEEPAK S/O MALLU KANKONKAR AGE: 62 YEARS OCC: AGRICULTURE R/O: HP NO.17, RAMNAGAR TAL: JOIDA, DIST: KARWAR (U.K)- 581 453. PETITIONER (BY SRI. ABHIJEET S. KANKONKAR., ADVOCATE)

Digitally signed by VALLI AND: MARIMUTHU Location: High 1. THE STATE OF KARNATAKA Court of REPRESENTED BY ITS SECRETARY Karnataka

DEPARTMENT OF COMMERCE INDUSTRIES VIKAS SOUDHA BENGALURU-560 001.

2. DEPUTY COMMISSIONER KARNATAKA STONE CRUSHER LICENCING AND REGULATION AUTHORITY UTTAR KANANDA, KARWAR-581 301. -2-

3. THE SENIOR GEOLOGIST DEPT. OF MINES AND GEOLOGY KARWAR, UTTAR KANANDA -581 301. RESPONDENTS (BY SRI.S.S.MAHENDRA., GOVT. ADVOCATE) THIS WRIT PETITION IS FILED UNDER ARTICLES 226

AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT No. 2 AND RESPONDENT No. 3 TO GRANT STONE CRUSHER LICENSE IN FAVOUR OF THE PETITIONER AS PER THE APPLICATION PRODUCED AT ANNEXURE-A IN THE INTEREST OF JUSTICE AND EQUITY. THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY CHIEF JUSTICE MADE THE FOLLOWING:

ORDER

Heard learned advocate Mr.Abhijeet S. Kankonkar, who appeared online for the petitioner and learned Government Advocate Mr. S.S. Mahendra who appeared for the respondent- State and its authorities upon service of copy of the petition in advance.

2. The only prayer made in this petition filed under Article 226

of the Constitution is to direct respondent No.2-Deputy Commissioner, Karnataka Stone Crusher Licencing and Regulation Authority and respondent No.3-The Senior Geologist, Department of Mines and Geology, Karwar, Uttar Kannada to grant stone crushing licence to the petitioner as per the application made. The -3- application produced is an undated application. However, the acknowledgment receipt shows that it was dated 10.11.2023.

3. It is the case of the petitioner that he is the resident of

Ramnagar village and intends to carry out the stone crusher business. It is stated that he has obtained consent for quarry lease in respect of land at Survey No.243/125+126 of plot No.487 admeasuring 1 Acre out of 4 Acre 38 Gunats at Akrali Ramnagar Village, Joida Taluka, Karwar.

3.1 According to the petitioner, he filed another application on 10.11.2023 along with necessary documents. It is further stated that pursuant to the application, inspection was conducted by the authority on 13.12.2023 and the petitioner was needed to undergo certain procedure including to obtain the signature of the competent authorities.

3.2 It is the grievance of the petitioner that despite passage of time, nothing has taken place. Therefore, he filed the petition, not knowing the status of the application.

4. Learned Government Advocate would point out that this petition is an attempt to re-open the stale application which was -4-

made in the year 2010-2011. It is stated that in the application itself, it is mentioned that the stone crusher unit was established long back and the same has been in existence since 2010-2011. The details are not available as to what transpired and what events took place between 2010-2011 and 2020-2023 when the petitioner has made an application for grant of the stone crusher license.

5. In any view however, the only relief that could be granted to

the petitioner is to require the respondents to consider the application of the petitioner strictly in accordance with law and pass appropriate orders within six weeks from the date of receipt of this order, provided, the application is not considered and decided.

6. The authority shall pass the order purely on merits and without influenced by any of the observations in this order.

7. The writ petition is accordingly disposed of. CHIEF JUSTICE JUDGE VBS/List No.: 1 SI No.: 11

