

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF FEBRUARY, 2017

PRESENT

**THE HON'BLE MR. SUBHRO KAMAL MUKHERJEE,
CHIEF JUSTICE**

AND

THE HON'BLE MR. JUSTICE BUDIHAL R.B.

WRIT PETITION NO. 53719 OF 2016 (GM-MM/S)

BETWEEN

N Ranganath
S/o N Narayanappa
Aged 67 years
1st Class Railway Contractor
R/at Bhovi Bhavana
Desi Halli, K.G.F. Main Road
Bangarpet
Kolar District-563 101.

.. PETITIONER

(By Sri M S Rajendra Prasad, Sr. Counsel
a/w Sri Umesh P H, Adv.)

AND

1. The Member Secretary
Senior Geologist/Licensing Authority
Stone Crusher Licensing and Regulation Authority
Kolar District
Kolar-563 101.

2. The Deputy Commissioner
Chairman
Stone Crusher Licensing and Regulation Authority
Kolar District
Kolar-563 101
 3. The President
Village Panchayat
K.G. Halli
Malur Taluk
Kolar District-563 101.
 4. The Environmental Officer
Karnataka State Pollution Control Board
Parisara Bhavana
Plot No.14-B, KIADB Industrial Area
Tamaka
Kolar-563 101.
 5. The Divisional Engineer [Central]
Divisional Railway Manager [Works]
South-Western Railway
Bengaluru-560 023.
 6. The Assistant Executive Engineer [Elec]
Bengaluru Electricity Supply Co. Ltd.
Malur-563 103.
- .. RESPONDENTS**

(By Sri V G Bhanuprakash, AGA for R-1 and R-2
Sri Gururaj Joshi, Adv. for R-4
R-5 Served - Unrepresented,
V/o dated 31.01.2017 service of notice to R-3 and R-6 is taken
as completed)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the refusal letter dated nil issued by R-2 [for short 'Chairman'] wherein he has refused to

grant licence for renewal of licence for running of stone crusher in the land in Sy.No.73 of K.G. Halli, Malur Taluk, Kolar District at Annex-A.

This Writ Petition coming on for Preliminary Hearing this day, **THE CHIEF JUSTICE** made the following:

ORDER

The writ petitioner-appellant has been running a stone crushing unit. The licence has been cancelled. The order of cancellation has been impugned in appeal under Section 15 of the Karnataka Regulation of Stone Crushers Act, 2011. An interim order was prayed, which was refused by the Appellate Tribunal.

2. Mr.M.S.Rajendra Prasad, learned senior advocate appearing for the writ petitioner submits that as the writ petitioner has been carrying on the stone crushing unit for considerable period of time, he should be permitted to continue with the stone crushing unit, subject to the result of the appeal.

3. We are unable to accept the contention of Mr.M.S.Rajendra Prasad, learned senior advocate.

4. When the licence has been cancelled, by an interim order we cannot permit him to run the stone crushing unit.

5. Therefore, the writ petition is dismissed, but, we request the Appellate Tribunal to dispose of the appeal, within a month from the date of communication of this order.

6. We make no order as to costs.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

bkp