

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

DATED THIS THE 22<sup>ND</sup> DAY OF AUGUST 2012

PRESENT

THE HON'BLE MR.VIKRAMAJIT SEN, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE ARAVIND KUMAR

**WRIT PETITION No.29329/2012(GM-MM-S)**

**BETWEEN:**

SRI NANJA SHETTY  
S/O.LATE NANJA SHETTY  
AGED ABOUT 48 YEARS  
R/O.Y.K.MOLE VILLAGE  
AMBALE POST, YELANDUR TALUK  
CHAMARAJANAGAR DISTRICT. ..PETITIONER

(BY SRI ASHOK HARANAHALLI, SR.COUNSEL  
FOR SRI K.B.SHIVAKUMAR, ADV.)

**AND:**

THE DEPUTY DIRECTOR  
DEPARTMENT OF MINES & GEOLOGY  
No.316,317, 3<sup>RD</sup> FLOOR  
DISTRICT ADMINISTRATIVE OFFICE  
CHAMARAJANAGAR. ..RESPONDENT

(BY SRI R.G.KOLLE, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO  
QUASH ANNEXURE-A PASSED BY THE RSPONDENT DATED  
31.7.2012 IN THE INTEREST OF EQUITY AND JUSTICE.

THIS WRIT PETITION COMING ON FOR PRELIMINARY  
HEARING THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

**ORDER**

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**ORDER**

**VIKRAMAJIT SEN, C.J. (Oral) :**

The main contention is that, prior to the passing of the order dated 31.07.2012, directing the petitioner to stop quarrying activity with immediate effect in the 'Patta' lands, owned by him in respect of which quarrying licence were granted, no opportunity of being heard had been offered to the petitioner. Accordingly, the principles of natural justice *audi alteram partem*, have been violated.

2. Having heard the learned counsel for the parties, the course that commends itself to us is that, the order dated 31.07.2012 shall be treated as a show-cause notice to the petitioner, who may file a response within two weeks from today. The petitioner shall appear before the Deputy Director, Departments of Mines and Geology, Chamarajanagar on 13<sup>th</sup> September 2012 for a personal hearing. A speaking order shall, thereafter be passed by the said Authority within fifteen days thereafter.

3. The petition is allowed in these terms.

Sd/-  
CHIEF JUSTICE

Sd/-  
JUDGE

Sk/-