

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S)..... OF 2023  
(@ SLP(C) NO(S). 16780 OF 2021)

SRI N SHIVALINGAIAH

... .APPELLANT(S)

VERSUS

THE STATE OF KARNATAKA & ORS.

... .RESPONDENT(S)

ORDER

1. Leave granted.
2. Heard learned counsel for the parties.
3. The father of the appellant was granted a Quarrying Lease for a period of five years on 30.10.2001. Thereafter, the appellant applied for its renewal when it expired in the year 2006. The renewal was however granted in the year 2009, though retrospectively w.e.f. 30.10.2006, when the original lease had expired. He again applied for further renewal in the year 2011. As per the appellant, his application remained pending for almost six years and was finally accepted on 21.08.2017, granting him renewal for 20 years, but with effect from the date of the original grant of lease i.e., 30.10.2001. In this manner, the extended period of twenty years expired on 30.10.2021.

4. The appellant accepted the renewal of the lease with the condition that the twenty year renewal period will be counted w.e.f. 30.10.2001 and he did not challenge that stipulation for the obvious reason that sub-Rule (2) of Rule 8A of the Karnataka Minor Mineral Concession Rules, 1994, as amended in the year 2016, expressly provides that all the Quarrying Leases granted before the commencement of the amended Rules of 2016 shall be for a period of 20 years 'from the date of its original grant'. Such a stipulation has again been reiterated in sub-Rule (4) of Rule 8A *ibid*.

5. In view of the aforesaid provisions, which the respondents have applied uniformly, we find no merit in the appellant's claim for renewal of the lease for 20 years from the date of such renewal.

6. Faced with this, learned counsel for the appellant refers to the representation purported to have been submitted by the appellant on 11.06.2021, wherein he sought an extension of the Quarrying Licence for a period of 8 years, 1 month and 27 days on the ground that the quarrying activities remained closed for no fault of his during the period, firstly from 2006-2009 and, again, from 2011-2017. It is stated that one of the prayers made in the writ petition filed before the High Court was to issue a mandamus to the authorities to consider the said representation in which the above stated alternative prayer was made.

7. Having heard learned counsel for the parties, we do not express any opinion in relation to the alternative relief now pressed on behalf of the appellant, as no such issue appears to have been raised before the High Court. We grant liberty to the

appellant to pursue his representation in this regard before the competent authority.

8. The appeal stands disposed of accordingly.

9. Pending application(s), if any, shall also stand disposed of.

..... J.  
[SURYA KANT]

..... J.  
[DIPANKAR DATTA]

NEW DELHI;  
NOVEMBER 21, 2023.

ITEM NO.23

COURT NO.5

SECTION IV-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 16780/2021

(Arising out of impugned final judgment and order dated 01-09-2021 in WP No. 15743/2021 passed by the High Court Of Karnataka At Bengaluru)

SRI N SHIVALINGAIAH

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA &amp; ORS.

Respondent(s)

(IA No. 141696/2023 - CLARIFICATION/DIRECTION

IA No. 136512/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 136513/2021 - EXEMPTION FROM FILING O.T.

IA No. 136511/2021 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 21-11-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Gaurav Agrawal, Adv.  
Mr. Rajesh Gulab Inamdar, AOR  
Mr. Shashwat Anand, Adv.  
Mr. Aditya Bhat, Adv.

For Respondent(s) Mr. Nishant Patil, A.A.G.  
Mr. V. N. Raghupathy, AOR  
Mr. Manendra Pal Gupta, Adv.  
Mr. Varun Varma, Adv.  
Mr. Ayush P Shah, Adv.  
Mrs. Ansha Varma, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.
3. Pending application(s), if any, shall also stand disposed of.

(POOJA SHARMA)  
COURT MASTER (SH)

(PREETHI T.C.)  
COURT MASTER (NSH)

(Signed order is placed on the file)