

(2024) 11 KAR CK 0034

Karnataka High Court At Bengaluru

Case No: Writ Petition No. 3358 Of 2024 (GM-MM_S)

M/S Prabhavathi Stone Crushers

APPELLANT

Vs

State Of Karnataka & Ors.

RESPONDENT

Date of Decision: Nov. 19, 2024

Hon'ble Judges: N. V. Anjaria, CJ; K. V. Aravind, J

Bench: Division Bench

Advocate: Kusuma R Prasad, Niloufer Akbar

Final Decision: Disposed Of

Judgement

N. V. Anjaria, CJ

1. Heard learned advocate Ms.Kusuma R. Prasad for learned advocate Mr. Lakamapurmath Chidanandayya for the petitioner and learned Additional Government Advocate Smt. Niloufer Akbar for respondent Nos.1 to 5.

2. The petitioner happened to be the owner of the land bearing Survey No.116/2 and 117/2 admeasuring 2 Acres situated at Alaphalli Village, Pandavapura Taluka, Mandya District which is situated around 7.5 kms. away from the dam site. It is the case of the petitioner that it was not carrying on any quarrying activity, nor using any blasting material but, it was a crusher unit only.

2.1 The prayer in the petition was against the notice dated 20.01.2024. The said notice dated 20.01.2024 had reference of the order of this Court dated 08.01.2024 passed in Writ Petition No.19835 of 2023. On the basis of the same, the petitioner was directed to temporarily suspend all the crushing activities in its patta land bearing Survey Nos.116/2, 117/2 at the place in question.

3. An order of even date is passed in I.A. Nos.7 and 8 of 2024 in Writ Petition No.19835 of 2023. The discussion and reasons supplied in the said

order shall form reasoning of this order as well as to be part. In the present petition accordingly the following directions are issued,

(i) The Dam Safety Committee is directed to consider the application of the petitioner after including an expert officer/member as part of the

Committee for the purpose of deciding the application/representation of the petitioner. Such expert officer/member from the Mining Department shall

be nominated by the Chief Secretary, Government of Karnataka to the Committee.

(ii) The petitioner shall appear before the Dam Safety Committee including the member as above on 21.11.2024 at 11.00 a.m.

(iii) The Dam Safety Committee as constituted above shall give hearing to the petitioner and examine the case put forward by him claiming he is

undertaking only crushing operations.

(iv) The application/representation of the petitioner shall be decided by the Dam Safety Committee as above after factual examination in accordance

with law and on merits.

(v) Necessary decision shall be taken in each case on or before 30.11.2024 .

(vi) The decision shall be communicated to the petitioner by Registered AD Post.

(vii) This Court has not expressed any opinion on the merits of the controversy.

The present petition stands disposed of as above.