

# SUPREME COURT OF INDIA

Vivek Exports

Vs.

State of Karnataka

(T.S. Thakur and Adarsh Kumar Goel, JJ C.Nagapan,J.)

19.08.2014

## JUDGEMENT

**C. Nagappan, J.**

( 1. ) Leave granted.

( 2. ) This appeal is preferred against the judgment and order dated 4.1.2011 passed by the High Court of Karnataka at Bangalore in Writ Petition No. 9325 of 2009 wherein the Division Bench allowed the writ petition filed by the third Respondent herein. Briefly the facts are as follows: Appellant herein was granted a quarrying lease for ornamental stones in Survey No. 184 of Jyothi Gowdana Pura of Chamarajanagar Taluk for a period of 5 years from 27.2.1978 and that was further renewed on 18.1.1983 for a further period of five years ending with 26.2.1988. Though an application for another renewal was filed, the same was not considered favourably. Meanwhile Rule 3A of Karnataka Minor Mineral Concession Rules, 1969, was amended and the validity of the same was challenged by various persons including the Appellant herein before the High Court. While matter stood thus, the State Government issued order dated 18.6.1991 resorting to Rule 3 for grant and renewal of quarry leases. The Appellant herein applied for lease under the said order and 203 quarry leases were granted under Rule 3 and the Appellant herein was also granted lease for a term of ten years. The validity of the Government order dated 18.6.1991 was challenged in Writ Petition Nos. 14783 and 14241 of 1991 on the file of the High Court of Karnataka at Bangalore and the learned single Judge quashed the said Government order and declared all consequential action taken under it as null and void. The said order was confirmed by the Division Bench of the High Court as well as by this Court in the decision reported in : (1996) 7 SCC 416. In the meantime Rule 3A was deleted. The State Government issued Notification dated 21.12.2000 notifying the grant of renewal of quarry lease to the Appellant for the same land for a period of ten years and subsequently by order dated 19.4.2008 the Government extended the period of said lease for 20 years with effect from 21.5.2001. The third Respondent herein applied for quarry lease over an area of 20 acres in the same survey No. 184 of Jyothi Gowdana Pura of Chamarajanagar Taluk on 13.8.2008 and according to him only in the month of February 2009 he learnt about the grant of lease to the Appellant

herein over an extent of 15 acres in the same survey number and after obtaining the details by an application under RTI Act, filed the impugned writ petition for quashing the Government order dated 21.12.2000 granting lease in favour of the Appellant herein and for quashing the Government order rejecting his application and for a direction to notify the subject land for grant of lease. The Division Bench of the High Court set aside the Government order dated 21.12.2000 as well as the rejection order dated 11.1.2010 and directed the competent authority to reconsider the claim of the third Respondent herein and also gave liberty to the Appellant herein to show that he has a subsisting valid claim and disposed of the writ petition in the above terms. That is being challenged in this appeal. ( 3. ) WE heard the submissions of learned senior counsel appearing for the Appellant as well as the learned Counsel appearing for the Respondents. ;