

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

**DATED THIS THE 16<sup>TH</sup> DAY OF JUNE, 2022**

**PRESENT**

**THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR.JUSTICE ASHOK S.KINAGI**

**WRIT PETITION NO. 11537 OF 2022 (GM-MM-S)**

**BETWEEN:**

**SRI LAKSHMI VENKATESHWARA KALLU  
KUTUKARA BHOVI SAHAKARA SANGHA (N)**

... PETITIONER

(BY SRI SHANKARAPPA, ADVOCATE)

**AND:**

- 1 . THE STATE OF KARNATAKA,  
BY ITS SECRETARY,  
DEPARTMENT OF MINES AND GEOLOGY,  
VIDHANA SOUDHA,  
BANGALORE - 560 001.
- 2 . THE DEPUTY COMMISSIONER,  
BANGALORE RURAL DISTRICT,  
BEERASANDRA,  
BANGALORE RURAL DISTRICT - 562 210.

- 3 . THE DIRECTOR,  
DEPARTMENT OF MINES AND GEOLOGY,  
KHANIJA BHAVAN,  
BANGALORE - 560 001.
- 4 . THE DEPUTY DIRECTOR,  
DEPARTMENT OF MINES AND GEOLOGY,  
BEERASANDRA,  
BANGALORE RURAL DISTRICT - 562 210.
- 5 . THE ASSISTANT COMMISSIONER,  
DODDABALLAPURA,  
BANGALORE RURAL DISTRICT - 561 203.
- 6 . THE TAHSILDAR AND TALUK MAGISTRATE,  
DEVANAHALLI TALUK,  
BANGALORE RURAL DISTRICT - 562 110.

... RESPONDENTS

(BY SRI S.S. MAHENDRA, AGA)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT TO CONSIDER THE REPRESENTATIONS OF THE PETITIONER DATED 09.05.2022 AT ANNEXURE-Q, ANNEXURE-R, ANNEXURE-S, ANNEXURE-T, ANNEXURE-V AND FOR REFERRING THE MATTER TO CONDUCT ANY ENQUIRY TO FIND OUT THE SOCIAL AND ECONOMIC STATUS AND THE TRADITIONAL WORK CARRIED OUT BY THE BHOVI COMMUNITY IN SURVEY NO.75 OF MEESAGANAHALLI VILLAGE AND ETC.

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

**ORDER**

This Public Interest Litigation has been filed seeking the following reliefs:

*"a) issue a writ of Mandamus Directing the Respondent to consider the representations of the petitioner Dated 9-05-2022 at Annexure-Q, Annexure-R, Annexure-S, Annexure-T, Annexure-V and for referring the matter to conduct any enquiry to find out the social and economic status and the traditional work carried out by the Bhovi community in Survey No.75 of Meesaganahalli village in accordance with law.*

*b) issue any other writ, order or direction as this Hon'ble Court deems fit and proper under the facts and circumstances of this case in the interest of Justice and equity."*

2. Learned counsel for the petitioner submits that the people belonging to Bhovi (Scheduled Caste) community from Meesaganahalli village, Karahalli Grama Panchayath, Kundana Hobli, Bengaluru Rural District, are involved in traditional stone cutting work from time immemorial. They have been doing the work of stone crushing in Sy.No.75 to an extent of 28 acres which belongs to the State Government. It is submitted that the State Government shall protect the people belonging to Bhovi

community who are involved in traditional stone cutting work which is meant for building construction.

3. Learned Additional Government Advocate, on the other hand, submits that quarry lease or licence is required for doing such work on the Government land. Unless quarry lease or licence is granted, nobody can be allowed to involve themselves in stone cutting work.

4. Be that as it may, since the matter relates to the people belonging to a particular community, i.e., Bhovi community, we feel it appropriate that the State Government may consider their grievance and take appropriate decision in accordance with law.

5. The writ petition, as such, is disposed of at this stage with liberty to the petitioner to raise their grievance by way of a representation before respondent No.1 within a period of ten days from today. In case any such representation is made by the petitioner, it is directed that respondent No.1, i.e., the Secretary, Department of Mines and Geology, Bengaluru, shall consider and decide the

same in accordance with law expeditiously. The decision so taken shall be communicated to the petitioner.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

KPS