

**BEFORE THE NATIONAL GREEN TRIBUNAL (S.Z),
CHENNAI**

O.A.No.127/2025

Between

Ismail Mohammedsab Honyal and others ... Petitioners

And

The State of Karnataka and others .. Respondents

I N D E X

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Chennai
Date: 23/01/2025

(S.Y.SHIVALI)
Advocate for Respondent No.6&7

BEFORE THE NATIONAL GREEN TRIBUNAL (S.Z), CHENNAI**O.A.No.127/2025****Between**

Ismail Mohammedsab Honyal and others ... Petitioners

And

The State of Karnataka and others .. Respondents

MEMO FOR DISMISSAL OF ABOVE OA

The Respondent Nos.6 and 7 submit as under:

01. That the petitioners in the above application making false and frivolous allegations against the respondents have filed this application before this Hon'ble Tribunal on 14-06-2025 under Section 18(1) read with Sections 14 and 15 of the National Green Tribunal Act 2010.

02. The prayer made by the petitioners in the application prima-facie neither maintainable nor sustainable in law. Hence, the application deserves to be dismissed on the ground of maintainability itself.

03. That one Sri.Manjunath Hanamanth Valikar, who is petitioner No.5 in above OA, suppressing the filing of Original Application before this Hon'ble Tribunal, had approached the Hon'ble High Court of Karnataka at Bengaluru on 08-07-2025 in WP No.20232/2025 making similar set of allegations as made in the present application against the present respondents as well as respondent No.2 herein challenging the personal hearing notice dated 26-06-2025.

04. The Hon'ble High Court having heard the matter at length was pleased to dispose of the writ petition No.20233/2025 by it's Order dated 24-07-2025 with a direction to respondent No.2 to



pass fresh orders taking into consideration of the averments made in the writ petition as part of the petitioners' representation pursuant to the impugned notice. In the event, any further order has already been passed pursuant to the personal hearing, the 2nd respondent shall review the same in the light of the averments made in the present petition and take a fresh and informed decision and further held that there is no ground to set aside the impugned notice calling for a personal hearing. Further observed that in the event, the objections raised by the petitioner and other complainants are rejected by the 2nd respondent, the petitioner is not precluded from availing remedies as are available, in law. Accordingly disposed of the writ petition.

05. The grievance put forth by the petitioners in the above application are exactly similar to that of averments made in W.P.No.20232/2025. Therefore the present original application pending before this Hon'ble Tribunal would not survive for consideration in view of the Order dated 24-07-2025 passed by the Hon'ble High Court of Karnataka in W.P.No.20232/2025. The copy of the Order dated 24-07-2025 made in W.P.No.2023/2025 is produced herewith for kind perusal of this hon'ble Tribunal.

WHEREFORE Respondent Nos.6 and 7 humbly pray that this Hon'ble Tribunal may be pleased to accept the copy of order of Hon'ble High Court of Karnataka at Bengaluru and to dismiss the above Original Application in view of the Order dt.24-07-2025 passed by the Hon'ble High Court of Karnataka at Bengaluru in W.P.No.20232/2025, in the ends of justice and equity

Chennai
Date: 23/01/2026

(S.Y. SHIVALI)
Advocate for Respondent No.6&7

tally
checked by
LATHY
NAN
Petition:
Court of
Karnataka



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JULY, 2025

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C M JOSHI

WRIT PETITION NO. 20232 OF 2025 (GM-POL)



BETWEEN:

1. MANJUNATH HANAMANTH VALIKAR
AGED ABOUT 25 YEARS
S/O HANAMANTH
HANAMAPURA
BIJAPURA, KARNATAKA - 586 210
PHONE NO: 7026431317.

...PETITIONER

(BY SRI M. ABDUL SALAM, ADVOCATE FOR
SMT. SHANTHALADEVI B.R., ADVOCATE)

AND:

1. KARNATAKA STATE POLLUTION
CONTROL BOARD,
REPRESENTED BY ITS CHAIRMAN
PARISARA BHAVAN, 49, CHURCH STREET
HARIDEVPUR, SHANTHALA NAGAR
ASHOK NAGAR, BANGALORE
KARNATAKA - 560 001.
2. M/S DESAI STONE CRUSHER
REPRESENTED BY ITS PROPRIETOR



SY NO. 175/2, BALUTI VILLAGE
BASAVANA BAGEWADI TALUKA
DIST. VIJAYAPURA,
KARNATAKA - 586 210.

3. M/S BHARAT STONE CRUSHER
REPRESENTED BY ITS PROPRIETOR
SY NO. 175/1, BALUTI VILLAGE
BASAVANA BAGEWADI TALUKA
DIST. VIJAYAPURA
KARNATAKA - 586 210.

...RESPONDENTS

(BY SRI MAHESH CHOWDHARY, ADVOCATE A/W
MS. RASHI SINGH, ADVOCATE FOR R-1)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE
HEARING NOTICE DATED 26/06/2025 VIDE ANNEXURE-B AND
THEREBY QUASH THE ORDER IF ANY PASSED FOLLOWED IN
ANENXURE-B BY THE RESPONDENT NO.1 DATED 07/07/2025
& ETC.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C M JOSHI

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition, *inter alia*,
praying as under:

"a) To set aside the hearing notice dated 26/06/2025 vide Annexure-B and thereby quash the order if any passed followed in Annexure-B by the Respondent No.1 dated 07/07/2025.

b) Direct to the Respondent No.1 not to pass any coercion order until fulfill the norms of the competent authority.

c) To pass any appropriate order in the proper circumstances and thus render justice."

2. It is the petitioner's case that he had made several complaints to the Karnataka State Pollution Control Board [KSPCB] regarding operation of quarrying and crushing activities by the respondent Nos.2 and 3 in the vicinity of his farm, without obtaining proper permission from the concerned authorities.



HC-KAR

3. The petitioner states that he is carrying on farming activities in the vicinity of the site in question [Sy.No.175/2, Baluti Village, Basavana Bagewadi Taluk, Vijayapura District; and Sy.No.175/1, Baluti Village Basavana Bagewadi Taluk, Vijayapura District], and is deeply affected by the illegal activities of stone crushing being carried in the area.
4. He submits that stone crushing activities at the site in Survey No. 175/1, Baluti Village, Basavana Bagewadi Taluk, Vijayapura District, were interdicted and stopped on two prior occasions. However, notwithstanding the same, the KSPCB has once again initiated the process of granting consent for operation of the stone crushing activities at the subject site.
5. In the aforesaid context, the petitioner impugns a notice dated 26.06.2025 calling the stakeholders for a personal hearing. The said notice indicates that on the basis of complaints from farmers of Baluti Village regarding air and dust pollution caused due to stone crushing operations, the KSPCB had issued a closure notice dated 08.01.2025 under Section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 31(A) of



the Air (Prevention & Control of Pollution) Act, 1981. Thereafter, the entity carrying on the crushing activity had submitted a representation, asserting that it had provided the necessary air pollution control measures and had accordingly requested KSPCB to revoke the order for closure of the unit and to permit its operation. In the aforesaid background, the KSPCB had issued the impugned notice.

6. Clearly, the petitioner cannot be aggrieved by the complainants opposing the issuance of consent to carry on crushing operations being afforded an opportunity of being heard along with the entities engaged in carrying on the crushing activities.

7. However, it is contended on behalf of the petitioner that the stone crushing operators had used their muscle power on the date of the hearing and therefore, the complainants were not afforded an effective hearing.

8. In the given circumstances, we consider it apposite to dispose of the present petition by directing the KSPCB, to consider the averments made in the present petition as part of the



petitioner's representation pursuant to the impugned notice. In the event, any further order has already been passed pursuant to the personal hearing, the KSPCB shall review the same in the light of the averments made in the present petition and take a fresh and informed decision.

9. We find no ground to set aside the impugned notice calling for a personal hearing.

10. In the event, the objections raised by the petitioner and other complainants are rejected by the KSPCB, the petitioner is not precluded from availing remedies as are available, in law.

11. The petition is disposed of with the aforesaid terms.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C M JOSHI)
JUDGE**

KS
List No.: 1 SI No.: 8

VC
Sy Skindli
Advocate.