

IN THE HIGH COURT OF KARNATAKA, AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2010

PRESENT

THE HON'BLE MR. JUSTICE V. G. SABHAHIT

AND

THE HON'BLE MR. JUSTICE B. MANOHAR

WRIT PETITION No.31203/2008 (GM-MM-S)

BETWEEN:

1. M/s Chowgule & Company Private Ltd.,
Chowgule House, Mormugao Harbour,
Goa – 403 803, represented by its
Power-of-Attorney Holder,
Sri Sanjeev Kumar.

2. M/s Sri Santhipriya Minerals Private Ltd.,
Chowgule House, Mormugao Harbour,
Goa – 403 803, represented by its
Power-of-Attorney Holder,
Sri Sanjeev Kumar.

...PETITIONERS

(By Sri./Smt: M. Gururaj & Ravi Hegde, Advocates,
Srivaaru Law Firm, Advocates, filed fresh
vakalath for P-2 [a/w NOC])

...2

AND:

1. State of Karnataka,
Represented by its Principal Secretary,
Department of Forest,
Ecology and Environment,
M. S. Building, Dr. Ambedkar Veedhi,
Bengaluru – 560 001.
2. The Principal Chief Conservator of Forests,
Aranya Bhavan, 18th Cross,
Malleshwaram,
Bengaluru – 560 003.
3. The Conservator of Forests,
Bellary Circle,
Ballari.
4. The Deputy Conservator of Forests,
Bellary Division,
Ballari.

...RESPONDENTS

(By Sri./Smt: Learned HCGP is directed to take notice for
Respondents [MA not filed])

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to quash the Notification dated 16.08.2008 issued by the 1st respondent and published in the Gazette on 27.08.2008 vide Annexure – D and the order dated 12.09.2008 issued by the 4th respondent vide

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Annexure - F and all further proceedings pursuant thereto, in so far as the petitioners are concerned. Direction that the respondents are not entitled to demand and collect Forest Development Tax under Sec.98-A of the Karnataka Forest Act, 1963 on the value of mineral sold by the petitioners in respect of the mining leases granted under the provisions of the MMDR Act, 1957 and M.C. Rules 1960, in so far as the petitioners are concerned.

This Writ Petition coming on for orders on this day the court made the following order.

ORDER

Second set to be filed within four weeks, failing which petition stand dismissed for non-prosecution without any further orders of the Court.

Sd/-
JUDGE

Sd/-
JUDGE

T By : SOW
C By : SN
R By : AMB

COPY
Sd/-
ASSISTANT REGISTRAR