

CASE NO.:
Appeal (civil) 3278 of 2008

PETITIONER:
STATE OF KARNATAKA & ORS

RESPONDENT:
ASHA TRANSPORTS

DATE OF JUDGMENT: 02/05/2008

BENCH:
K.G. BALAKRISHNAN & R.V. RAVEENDRAN & MUKUNDAKAM SHARMA

JUDGMENT:
JUDGMENT

1

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3278 OF 2008
(@SPECIAL LEAVE PETITION (CIVIL)NO.2224 OF 2006)

STATE OF KARNATAKA & ORS.

Appellant(s)

VERSUS

ASHA TRANSPORTS

Respondent(s)

WITH

I.A.NO.2 in CIVIL APPEAL NO.3278 OF 2008
@ SLP(C)No.2224/2006

ORDER

Leave granted. Heard both sides.

2. The State has filed this appeal challenging the order of the Division Bench affirming the order of the learned Single Judge which permitted the respondent, pending consideration of the application for renewal of its mining lease, to lift the excavated material ore (said to have been excavated before the expiry of the lease period), by paying royalty.

3. The respondent filed I.A.No.2/2007 seeking leave to withdraw the writ petition itself by setting aside the order of the learned Single Judge and

Division Bench in its favour, to avoid delay in consideration of its application for renewal. The learned counsel for the State opposed the said application.

4. Learned counsel for the respondent therefore submitted that he will not press I.A.2 and that the respondent has no objection for the appeal itself being allowed.

5. Accordingly, we reject I.A.2 and allow this appeal and set aside the judgment of the Division Bench as also the decision of the learned Single Judge permitting the respondent to lift the excavated material by paying royalty.

.....CJI.
(K.G. BALAKRISHNAN)

.....J.
(R.V. RAVEENDRAN)

.....J.
(MUKUNDAKAM SHARMA)

NEW DELHI;
2ND MAY, 2008.