IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF FEBRUARY, 2025

PRESENT

THE HON'BLE MR N. V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE M.I.ARUN

WRIT PETITION NO. 7993 OF 2023 (GM-MM S)

CONNECTED WITH

WRIT PETITION NO. 8180 OF 2023 (GM-MM S)

&

WRIT PETITION NO. 17232 OF 2023 (GM-MM S)

IN W.P.No.7993/2023:

BETWEEN:

1. M/S. DODDANNAVAR BROTHERS
(REGD. PARTNERSHIP FIRM),
DODDANNAVAR COMPOUND
NEAR FORT, BELGAUM-590 016
REP. BY ITS GENERAL MANAGER
SRI RACHAPPA M. SARADAGI.

…PETITIONER

[BY SRI NITHYA NANDA MURTHY P., ADVOCATE (ABSENT)]

AND:

1. STATE OF KARNATAKA
REP. BY ITS SECRETARY

Digitally signed by H K HEMA
Location: High Court of Karnataka

DEPARTMENT OF FORESTS
ECOLOGY AND ENVIRONMENT
4TH FLOOR, M.S. BUILDING
DR. AMBEDKAR ROAD
BENGALURU-560 001.

2. STATE OF KARNATAKA
REP. BY ITS SECRETARY
(MINES) DEPARTMENT OF COMMERCE AND INDUSTRIES
GOVERNMENT OF KARNATAKA
VIKASA SOUDHA, 1ST FLOOR
DR. AMBEDKAR ROAD
BENGALURU-560 001.

3. THE DIRECTOR OF MINES AND GEOLOGY
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN, 5TH FLOOR
RACE COURSE ROAD
BENGALURU-560 001.

4. THE PRINCIPAL CHIEF
CONSERVATOR OF FORESTS
"ARANYA BHAVAN"
18TH CROSS, MALLESHWARAM
BENGALURU-560 003.

5. THE DEPUTY CONSERVATOR OF FORESTS
BAGALKOT DIVISION
BAGALKOT-580 001.

…RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH RULE 2(3) OF WRIT PROCEEDINGS RULES, 1977, PRAYING TO QUASH THE COMMUNICATION OF THE RESPONDENT No.4 DATED 08.06.2016 AND THE DEMAND NOTICES DATED 14.06.2016 AND 18.06.2016 ALONG WITH THE DEMAND NOTICE DATED 01.07.2023 AND THE REMINDER NOTICE DATED 24.02.2023 ALL ISSUED BY THE RESPONDENT NO.5 AGAINST THE PETITIONER VIDE ANNEXURES-A AND B SERIES RESPECTIVELY, ETC.

IN W.P.NO. 8180/2023:

BETWEEN:

1. M/S. DODDANNAVAR BROTHERS
   (REGD. PARTNERSHIP FIRM),
   DODDANNAVAR COMPOUND
   NEAR FORT, BELGAUM-590 016
   REP. BY ITS GENERAL MANAGER
   SRI RACHAPPA M. SARADAGI.

...PETITIONER

[BY SRI NITHYA NANDA MURTHY P., ADVOCATE (ABSENT)]

AND:

1. STATE OF KARNATAKA
   REP. BY ITS SECRETARY
   (MINES) DEPARTMENT OF COMMERCE AND INDUSTRIES
   GOVERNMENT OF KARNATAKA
   VIKASA SOUDHA, 1ST FLOOR
   DR. AMBEDKAR ROAD
   BENGALURU-560 001.

2. THE DIRECTOR OF MINES AND GEOLOGY
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN, 5TH FLOOR
RACE COURSE ROAD
BENGALURU-560 001.

3. STATE OF KARNATAKA
REP. BY ITS SECRETARY
DEPARTMENT OF FORESTS, ECOLOGY
AND ENVIRONMENT
4TH FLOOR, M.S. BUILDING
DR. AMBEDKAR ROAD
BENGALURU-560 001.

4. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
"ARANYA BHAVAN"
18TH CROSS, MALLESWARAM
BENGALURU-560 003.

5. THE DEPUTY CONSERVATOR OF FORESTS
BAGALKOT DIVISION
BAGALKOT-580 001.

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH RULE 2(3) OF WRIT PROCEEDINGS RULES, 1977, PRAYING TO DIRECT THE RESPONDENTS 1 AND 2 TO GRANT THE EXTENSION/RENEWAL OF MINING LEASE ML 2394, AS IN ANNEXURE-B, IN ACCORDANCE WITH SECTION 8A(5) OF THE MMDR (AMENDMENT) ACT, 2015 FOR DEEMED EXTENSION WITH IMMEDIATE EFFECT, ETC.

IN W.P. NO.17232/2023

BETWEEN:

1. M/S. DODDANNAVAR BROTHERS
(REGD. PARTNERSHIP FIRM)
DODDANNAVAR COMPOUND
NEAR FORT, BELGAUM-590 016
REP. BY ITS GENERAL MANAGER
SRI RACHAPPA M. SARADAGI.

...PETITIONER

[BY SRI NITHYA NANDA MURTHY P., ADVOCATE (ABSENT)]

AND:

1. STATE OF KARNATAKA
REP. BY ITS SECRETARY
DEPARTMENT OF FORESTS,
ECOLOGY AND ENVIRONMENT
4TH FLOOR, M.S. BUILDING
DR. AMBEDKAR ROAD
BENGALURU-560 001.

2. STATE OF KARNATAKA
REP. BY ITS SECRETARY
(MINES) DEPARTMENT OF COMMERCE AND INDUSTRIES
GOVERNMENT OF KARNATAKA
VIKASA SOUDHA, 1ST FLOOR
DR. AMBEDKAR ROAD
BENGALURU-560 001.

3. THE DIRECTOR OF MINES AND GEOLOGY
DEPARTMENT OF MINES AND GEOLOGY
KHANIJA BHAVAN
5TH FLOOR, RACE COURSE ROAD

BENGALURU-560 001.

4. THE PRINCIPAL CHIEF CONSERVATOR
OF FORESTS
"ARANYA BHAVAN"
18TH CROSS, MALLESWARAM
BENGALURU-560 003.

5. THE DEPUTY CONSERVATOR OF FORESTS
BAGALKOT DIVISION
BAGALKOT-580 001.

6. AUTHORIZED OFFICER AND
CHIEF CONSERVATOR OF FORESTS
BELGAVI CIRCLE, BELGAVI
KARNATAKA.

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH RULE 2(3) OF WRIT PROCEEDINGS RULES, 1977, PRAYING TO QUASH AND SET ASIDE THE IMPUGNED ORDER BEARING NO.A7/L&D/WP/38914/2016/BGK/2016-17-84 DATED 03/05/2023 PASSED BY LEARNED AUTHORIZED OFFICER AND THE CHIEF CONSERVATOR FORESTS, BELAGAVI CIRCLE, BELAGAVI, IN ANNEXURE-A AND AS A CONSEQUENCE THEREOF QUASH AND SET ASIDE DEMAND NOTICE DATED 18TH JUNE 2016 LEVYING PENALTY OF RS.6,11,00,000/- (RUPEES SIX CRORE ELEVEN LAKHS) AND DEMAND NOTICE DATED 23.03.2017 FOR PAYMENT OF NET PRESENT VALUE (NPV) OF RS.2,65,61,200/- (RUPEES TWO CRORES SIXTY FIVE LAKHS SIXTY ONE THOUSAND AND TWO HUNDRED), ETC.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA
and
HON'BLE MR JUSTICE M.I.ARUN

ORAL JUDGMENT

(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA)

The record of the order sheet shows that the petitions have not only been adjourned from time to time, even as learned advocate for the petitioner remained absent. On 29.01.2025, the Court had an occasion to pass the following order,

> "None was present in the first half. In the second half also when the petition is called out, nobody was available to conduct the matter.
>
> Stand over to 05.02.2025 in the larger interest of justice instead of dismissing the petition for want of prosecution.
>
> In whichever case the interim order subsists as on date, the same shall continue to operate till the next date of hearing."

2. The absence of learned advocate for the petitioner continues on one hand and on the other hand, interim order is operating in favour of the petitioner.

3. Today also, learned advocate for the petitioner was not present when the petitions were called out also in the second round.

4. The Court has no option but to dismiss the petitions for want of prosecution.

All the petitions are accordingly dismissed for want of prosecution.

Sd/-
(N. V. ANJARIA)
CHIEF JUSTICE

Sd/-
(M.I.ARUN)
JUDGE

VMB
List No.: 1 Sl No.: 98