

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

*Dated this the 4<sup>th</sup> day of October, 2017*

**PRESENT:**

**THE HON'BLE MR SUBHRO KAMAL MUKHERJEE,  
CHIEF JUSTICE**

**AND**

**THE HON'BLE MR JUSTICE P S DINESH KUMAR**

*Writ Petition Nos.43937-43938 of 2016*

*Connected with*

*Writ Petition No.44100 of 2016, Writ Petition No.47228 OF  
2016, Writ Petition No.42980 of 2016, Writ Petition No.42981 of  
2016, Writ Petition No.43924 of 2016, Writ Petition No.44104  
of 2016, Writ Petition No.44105 of 2016, Writ Petition No.44106  
of 2016, Writ Petition No.44729 of 2016, Writ Petition No.44993  
of 2016, Writ Petition No.46466 of 2016, Writ Petition No.49495  
of 2016, Writ Petition No.49694 of 2016, Writ Petition No.51110  
of 2016, Writ Petition No.51350 of 2016, Writ Petition  
No.52678 of 2016, Writ Petition No.53173 of 2016, Writ Petition  
No.53986 of 2016, Writ Petition No.53987 of 2016, Writ Petition  
No.55478 of 2016, Writ Petition No.858 of 2017, Writ Petition  
No.13744 of 2017, Writ Petition No.43706 of 2016  
Writ Petition No.43871 of 2016, Writ Petition No.43941 of 2016,  
Writ Petition No.43948 of 2016, Writ Petition No.43949 of 2016  
Writ Petition No.43950 of 2016, Writ Petition No.43951 of  
2016, Writ Petition No.43969 of 2016, Writ Petition No.44107 of  
2016, Writ Petition No.44206 of 2016, Writ Petition No.44233  
of 2016, Writ Petition Nos.44253-44260 of 2016, Writ Petition  
No.44270 of 2016, Writ Petition No.44271 of 2016, Writ*

Petition No.44329 of 2016, Writ Petition No.44417 of 2016,  
Writ Petition No.44727 of 2016, Writ Petition No.45967 of 2016  
Writ Petition No.46231 of 2016, Writ Petition No.46232 of 2016  
Writ Petition No.46233 of 2016, Writ Petition No.46234 of 2016  
Writ Petition No.46532 of 2016, Writ Petition No.46533 of  
2016, Writ Petition No.46815 of 2016, Writ Petition No.46963  
of 2016 and Writ Petition No.47713 of 2016 (GM-FOR)

In Writ Petition Nos.43937-43938 of 2016:

**BETWEEN:**

Mr.B.RUDRAGOUDA  
S/O LATE B KUMARAGOUDA  
AGED ABOUT 39 YEARS  
No.2198, BKG HOUSE  
KHB COLONY, SANDUR-583 119

...PETITIONER

(BY SHRI.S.GANESH, SENIOR ADVOCATE FOR  
SHRI.K.N.SRINIVASA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST,  
ECOLOGY AND ENVIRONMENT  
M.S.BUILDING, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. THE PRINCIPAL CHIEF CONSERVATOR OF  
FORESTS, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BANGALORE-560 003
3. UNION OF INDIA  
MINISTRY OF LAW AND JUSTICE

4<sup>TH</sup> FLOOR, A-WING  
SHASTRI BHAWAN  
NEW DELHI-110 001

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 AND 2;  
SRIMATI.ANUPAMA HEGDE CENTRAL GOVERNMENT COUNSEL  
FOR RESPONDENT No.3)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO  
DECLARE THAT THE KARNATAKA FOREST (AMENDMENT) ACT  
2016 [KARNATAKA ACT NO.23 OF 2016] [ANNEXURE-A] IS  
UNCONSTITUTIONAL AND VOID AB INITIO.

In Writ Petition No.44100 of 2016:

**BETWEEN:**

M/s.JSW STEELS LIMITED  
(PREVIOUSLY KNOWN AS JINDAL  
VIJAYNAGAR STEEL LTD.,)  
REGD. OFFICE AT 5A, Dr.G.DESHMUKH MARG  
MUMBAI-400 026

BRANCH OFFICE AT:  
6<sup>TH</sup> FLOOR, EAST WING  
RAHEJA TOWERS, M.G.ROAD  
BANGALORE-560 042

WORK OFFICE AT:  
VIJAYANAGAR WORKS  
P.O.VIDYANAGAR, TORANGALLU  
BELLARY-583 275

REPRESENTED BY ITS AUTHORISED SIGNATORY

Mr.MANI C. MANUEL

GENERAL MANAGER

...PETITIONER

(BY SHRI.D.L.N.RAO, SENIOR ADVOCATE FOR  
SRIMATI.S.R.ANURADHA, ADVOCATE)

**AND:**

1. GOVERNMENT OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY &  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. SECRETARY TO GOVERNMENT  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
GOVERNMENT OF KARNATAKA  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. DEPARTMENT OF MINES & GEOLOGY  
BY ITS DIRECTOR, KHANIJA BHAVAN  
RACE COURSE ROAD  
BANGALORE-560 001
4. THE MONITORING COMMITTEE  
DEPARTMENT OF MINES AND GEOLOGY  
KHANIJA BHAVAN, RACE COURSE ROAD  
BANGALORE-560 001 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 3;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE / QUASH  
THE ACT NO.23 OF 2016 PUBLISHED IN THE KARNATAKA  
GAZETTE EXTRA-ORDINARY ON 25.7.2016 VIDE ANNEXURE-A  
THE KARNATAKA FOREST AMENDMENT ACT 2016 TO AMEND  
THE KARNATAKA FOREST ACT 1963 AS ULTRA VIRES THE  
CONSTITUTION AND QUASH THE DEMAND OF FDF RAISED BY  
THE MONITORING COMMITTEE IN ITS ACCEPTANCE LETTER  
VIDE ANNEXURE-B DTD.8.8.2016 ETC.,

In Writ Petition No.47228 CF 2016:

**BETWEEN:**

PRAKASH SPONGE IRON & POWER PVT. LTD.,  
HAVING ITS OFFICE AT No.32  
7<sup>TH</sup> 'B' MAIN ROAD, JAYANAGAR 4<sup>TH</sup> BLOCK  
BANGALORE-560 011  
REPRESENTED BY ITS  
MANAGING DIRECTOR  
SRI.R.PRAVEEN CHANDRA

...PETITIONER

(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
“ARANYA BHAVAN”, 18<sup>TH</sup> CROSS  
MALLESWARAM, BANGALORE-560 003
4. THE MONITORING COMMITTEE  
REP. BY ITS CHAIRMAN  
DEPARTMENT OF MINES AND GEOLOGY  
No.49, “KHANIJA BHAVAN”, 5<sup>TH</sup> FLOOR  
RACE COURSE ROAD  
BANGALORE-560 001 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 3;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE  
KARNATAKA FOREST (AMENDMENT) ACT 2016 ENACTED  
UNDER KARNATAKA ACT 23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-A AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.42980 of 2016

**BETWEEN:**

VEDANTA LIMITED  
(FORMERLY KNOWN AS SESA STERLITE  
LIMITED & SESA GOA LIMITED)  
REGD. OFFICE AT P.O.BOX.125  
SESAGHOR, 20, EDC COMPLEX  
PATTO, PANJIM, GOA-403 001  
REP. BY ITS HEAD-FINANCE  
IRON ORE, KARNATAKA  
SRI.ANAND PRAKASH DUBEY

...PETITIONER

(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"



18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE  
KARNATAKA FOREST (AMENDMENT) ACT 2016 ENACTED  
UNDER KARNATAKA ACT 23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-A AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.42981 of 2016:

**BETWEEN:**

SRI.R.PRAVEEN CHANDRA  
S/O LATE SRI E RAMAMURTHY  
AGED ABOUT 42 YEARS  
R/O No.59, 12<sup>TH</sup> MAIN (OLD 24<sup>TH</sup> MAIN)  
SRINAGAR, BANASHANKARI I STAGE  
I BLOCK, BANGALORE-560 050

...PETITIONER

(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001



2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE  
KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED  
UNDER KARNATAKA ACT 23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-A AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.43924 of 2016:

**BETWEEN:**

KIRLOSKAR FERROUS INDUSTRIES LIMITED  
BEVINAHALLI VILLAGE & POST  
KOPPAL TALUK & DISTRICT  
KARNATAKA-583 234  
REPRESENTED BY ITS

SENIOR MANAGER (FINANCE)  
M.K.JAGADEESH KUMAR

...PETITIONER

(BY SHRI.K.RAGHAVACHARYULU, ADVOCATE FOR  
SHRI.MOHAMMED RIZWAN AHAMED, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
BANGALORE-560 001
  2. THE STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
BANGALORE-560 001
  3. THE MONITORING COMMITTEE  
BY ITS CHAIRMAN, KHANIJA BHAVAN  
RACE COURSE ROAD  
BANGALORE-560 001
- ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT

Nos.1 AND 2;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE  
KARNATAKA FOREST DEVELOPMENT (AMENDMENT) ACT 2016  
(ACT 23/2016) PASSED BY THE LEGISLATURE OF KARNATAKA  
PUBLISHED IN THE EXTRAORDINARY GAZETTE NOTIFICATION

DATED 27.07.2016 VIDE ANNEXURE-A AS UNCONSTITUTIONAL  
ARBITRARY, ILLEGAL AND DISCRIMINATORY.

In Writ Petition No.44104 of 2016:

**BETWEEN:**

M/s.V.S.LAD & SONS  
(A REGD. PARTNERSHIP FIRM)  
'PRASHANTI NIVAS', KRISHNANAGAR  
SANDUR-583 119  
BELLARY DISTRICT  
REP. BY ITS MANAGING PARTNER  
Dr.EKNATH V. LAD.

...PETITIONER

(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"

18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE  
KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-A AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.44105 of 2016:

**BETWEEN:**

M/s.HOTHUR TRADERS  
(A REGD. PARTNERSHIP FIRM)  
"HOTHUR GRAND", No.771  
100 FEET ROAD, INDIRANAGAR  
BANGALORE-560 008  
REP. BY ITS PARTNER  
SRI.MOHAMMED IQBAL

...PETITIONER

(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE  
KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-A AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.44106 of 2016:

**BETWEEN:**

M/s.GOGGA GURUSANTHIAH & BROS.  
(A REGD. PARTNERSHIP FIRM)  
P.B.No.4, NEHRU CO-OPERATIVE COLONY  
HOSPET-583 203, BELLARY DISTRICT  
REPRESENTED BY ITS PARTNER  
SRI.GOGGA CHANNABASAVARAJ ...PETITIONER

(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE  
KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-A AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.



In Writ Petition No.44729 OF 2016:

**BETWEEN:**

M/s.LAKSHMINARAYANA MINING COMPANY  
(A REGD. PARTNERSHIP FIRM)  
OLD No.33, NEW No.100  
SANNIDHI ROAD, BASAVANAGUDI  
BANGALORE-560 004  
REPRESENTED BY ITS PARTNER  
SRI.D.N.GOPALAKRISHNA

...PETITIONER

(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED UNDER KARNATAKA ACT NO.23/2016 AND PUBLISHED IN THE OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-A; AS DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.44993 of 2016:

**BETWEEN:**

GERDAU STEEL INDIA PRIVATE LIMITED  
No.304/305, WORLD TRADE CENTRE  
No.6/1, Dr.RAJKUMAR ROAD  
MALLESWARAM (WEST)  
BANGALORE-560 055  
REP. BY IT'S GENERAL MANAGER  
IRON ORE & SOLID FUEL DEPARTMENT  
SRI.M.C.HARISH

...PETITIONER

(BY SHRI.K.RAGHAVACHARYULU, ADVOCATE FOR  
SHRI.MOHAMMED RIZWAN AHAMED, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
BANGALORE-560 001
2. THE STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY &  
ENVIRONMENT, M.S.BUILDING  
BANGALORE-560 001

3. THE MONITORING COMMITTEE  
BY ITS CHAIRMAN, KHANIJA BHAVAN  
RACE COURSE ROAD  
BANGALORE-560 001

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT

Nos.1 AND 2;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE "THE  
KARNATAKA FOREST (AMENDMENT) ACT 2016" (ACT 23/2016)  
PASSED BY THE LEGISLATURE OF KARNATAKA PUBLISHED IN  
THE EXTRAORDINARY GAZETTE NOTIFICATION DATED  
27.07.2016 VIDE ANNEXURE-A; AS UNCONSTITUTIONAL  
ARBITRARY, ILLEGAL AND DISCRIMINATORY.

In Writ Petition No.46466 of 2016:

**BETWEEN:**

M/s.ZEENATH TRANSPORT COMPANY  
(A REGISTERED PARTNERSHIP FIRM)  
"ZEENATH HOUSE", COWL BAZAAR  
BELLARY-583 102

REP. BY ITS MANAGING PARTNER  
Mr.SYED AHMED

...PETITIONER

(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
THE KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-A AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.49495 of 2016:

**BETWEEN:**

M/s.SLR METALIKS LTD.,  
SY.No.632, NARAYANDEVARAKERE

LOKAPPANAHOLA, NEAR MARIYAMMANAHALLI  
HAGARIBOMMANAHALLI TALUK  
BELLARY-583 222  
REPRESENTED BY ITS CAO  
COL O.P.NEHRA  
AGED ABOUT 67 YEARS  
S/O.SRI.RAN SINGH

...PETITIONER

(BY SHRI.D.L.N.RAO, SENIOR ADVOCATE FOR  
SHRI.ANIRUDH ANAND, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF INDUSTRIES & COMMERCE  
VIKASA SOUDHA, BANGALORE-560 001
2. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003
3. THE CONSERVATOR OF FORESTS  
BELLARY CIRCLE  
BELLARY-583 101
4. THE DEPUTY CONSERVATOR OF FORESTS  
BELLARY DIVISION  
BELLARY-583 101
5. THE MONITORING COMMITTEE  
BY ITS CHAIRMAN-DIRECTOR OF  
MINES AND GEOLOGY

“KHANIJA BHAVAN”, RACE COURSE ROAD  
BANGALORE-560 001 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 4;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
BY ISSUE OF AN APPROPRIATE WRIT THAT THE KARNATAKA  
FORESTS AMENDMENT ACT, KARNATAKA ACT 23 OF 2016  
DTD:27.7.2016 VIDE ANNEXURE-A IS UNCONSTITUTIONAL,  
NULL AND VOID ETC.,

In Writ Petition No.49694 of 2016:

**BETWEEN:**

M/s.PADMAVATHI FERROUS LTD.,  
UNIT AT CHIKANTAPUR, TORANAGALLU  
BELLARY DISTRICT-583 275  
REPRESENTED BY Mr.MAN MOHAN GOEL  
CHAIRMAN & MANAGING DIRECTOR ...PETITIONER

(BY SHRI D.L.N.RAO, SENIOR ADVOCATE FOR  
SRIMATI.S.R.ANURADHA, ADVOCATE)

**AND:**

1. GOVERNMENT OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY &  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

2. SECRETARY TO GOVERNMENT  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
GOVERNMENT OF KARNATAKA  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. DEPARTMENT OF MINES & GEOLOGY  
BY ITS DIRECTOR, KHANIJA BHAVAN  
RACE COURSE ROAD  
BANGALORE-560 001
4. THE MONITORING COMMITTEE  
DEPARTMENT OF MINES AND GEOLOGY  
KHANIJA BHAVAN, RACE COURSE ROAD  
BANGALORE-560 001 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 3;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE / QUASH  
THE ACT NO.23 OF 2016 PUBLISHED IN THE KARNATAKA  
GAZETTE EXTRAORDINARY ON 25.07.2016; THE KARNATAKA  
FOREST AMENDMENT ACT 2016 TO AMEND THE KARNATAKA  
FOREST ACT 1963 AS ULTRA VIRES THE CONSTITUTION ETC.,

In Writ Petition No.51110 of 2016:

**BETWEEN:**

M/s.ELECTROTHERM (INDIA) LTD.,  
A-1, SKYLARK APARTMENTS



SATELLITE ROAD, SATELLITE  
AHMEDABAD-380 015  
REPRESENTED BY SALES MANAGER  
Mr.MUKESH VOHRA

...PETITIONER

(BY SHRI.D.L.N.RAO, SENIOR ADVOCATE FOR  
SHRI.ANIRUDH ANAND, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF INDUSTRIES & COMMERCE  
VIKASA SOUDHA, BANGALORE-560 001
2. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003
3. THE CONSERVATOR OF FORESTS  
BELLARY CIRCLE  
BELLARY-583 101
4. THE DEPUTY CONSERVATOR OF FORESTS  
BELLARY DIVISION  
BELLARY-583 101
5. THE MONITORING COMMITTEE  
BY ITS CHAIRMAN-DIRECTOR OF  
MINES AND GEOLOGY  
"KHANIJA BHAVAN"  
RACE COURSE ROAD  
BANGALORE-560 001

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,

ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT

Nos.1 TO 4;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
BY ISSUE OF AN APPROPRIATE WRIT THAT THE KARNATAKA  
FORESTS AMENDMENT ACT, KARNATAKA ACT 23 OF 2016  
DTD:27.7.2016 VIDE ANNEXURE-A IS UNCONSTITUTIONAL NULL  
AND VOID ETC.,

In Writ Petition No.51350 of 2016:

**BETWEEN:**

M/s.STAR MINERALS  
A PARTNERSHIP FIRM HAVING ITS OFFICE  
AT GROUND FLOOR, "ANUGRAHA"  
PLOT No.5, KALYAAN NAGAR  
CHITWADGI, HOSPET-583 211  
REPRESENTED BY SMT.A.SAVITHRI

...PETITIONER

(BY SHRI.MANU KULKARNI, ADVOCATE)

**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  
18<sup>TH</sup> CROSS, MALLESWARAM  
BENGALURU-560 003

3. UNION OF INDIA  
MINISTRY OF LAW AND JUSTICE  
4<sup>TH</sup> FLOOR, A-WING  
SHASTRI BHAWAN  
NEW DELHI-110 001  
REPRESENTED BY SECRETARY TO  
GOVERNMENT

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT

Nos.1 AND 2;

SRIMATI.ANUPAMA HEGDE, CENTRAL GOVERNMENT COUNSEL  
FOR RESPONDENT No.3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
THAT THE KARNATAKA FOREST (AMENDMENT) ACT, 2016  
(KARNATAKA ACT NO.23 OF 2016) (ANNEXURE-A) IS  
UNCONSTITUTIONAL AND VOID AB INITIO.

In Writ Petition No.52678 of 2016:

**BETWEEN:**

M/s.SRI.SHIV SHAKTI STEEL & ALLOYS  
REGD. OFF AT: 21-2-636/1  
URDUGALLI, PATHERGATTI  
HYDERABAD-573 061  
REP. BY ITS PARTNER  
KRISHNA KUMAR

...PETITIONER

(BY SHRI.BADRI VISHAL, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY

DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
"ARANYA BHAVAN", 18<sup>TH</sup> CROSS  
MALLESWARAM  
BANGALORE-560 003 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
THE KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.07.2016 ISSUED BY R-1 VIDE  
ANNEXURE-C AS DISCRIMINATORY, ARBITRARY AND  
UNCONSTITUTIONAL AND THEREBY STRIKE DOWN THE SAME.

*In Writ Petition No.53173 of 2016:*

**BETWEEN:**

STEEL AUTHORITY OF INDIA LIMITED  
VISVESVARAYA IRON & STEEL PLANT  
BHADRAVATHI-577 301  
INCORPORATED UNDER COMPANIES ACT

1956, HAVING ITS REGISTERED OFFICE  
AT ISPAT BHAVAN, LODHI ROAD  
NEW DELHI-110 003  
REPRESENTED BY SHRI.H.N.VENKATESH  
S/O.H.D.NAGAPPA GOWDA  
HINDU, AGED 57 YEARS  
RESIDENT OF BHADRAVATHI  
ASSISTANT GENERAL MANAGER (LAW)  
& THE GPA HOLDER

...PETITIONER

(BY SHRI.K.SACHINDRA KARANTH, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FORESTS, ECOLOGY AND  
ENVIRONMENT, VIKASA SOUDHA  
VIDHANA VEEDHI, BANGALORE-560 001
2. THE PRINCIPAL CHIEF CONSERVATOR OF  
FORESTS, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003
3. THE DEPUTY CONSERVATOR OF FORESTS  
BHADRAVATHI CIRCLE  
BHADRAVATHI-577 301

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT THE  
KARNATAKA FOREST [AMENDMENT] ACT 2016, ACT 23 OF 2016

[ANNEXURE-A] AND THE FOREST [AMENDMENT] ACT 2015, ACT 41/2015 [ANNEXURE-G] ARE ILLEGAL AND ULTRAVIRES ETC.,

In Writ Petition No.53986 of 2016:

**BETWEEN:**

M/s.REACTIVE METALS OF INDIA PRIVATE LIMITED  
REGD. OFF AT: ROOM No.612, 6<sup>TH</sup> FLOOR  
TARAMANDAL COMPLEX, SAIFABAD  
HYDERABAD-500 004  
REP. BY ITS DIRECTOR  
ANAND KUMAR KEDIA

...PETITIONER

(BY SHRI.H.SRINIVAS RAO, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY  
AND ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BANGALORE-560 003

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND

SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE KARNATAKA FOREST [AMENDMENT] ACT, 2016 ENACTED UNDER KARNATAKA ACT NO.23 OF 2016 AND PUBLISHED IN THE OFFICIAL GAZETTE ON 27.7.2016 VIDE ANNEXURE-B AS DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.53987 of 2016:

**BETWEEN:**

M/s.JEEVAKA INDUSTRIES PRIVATE LIMITED  
REGD. OFF AT:15-9-360  
MAHABOOB GUNJ, HYDERABAD-500 012  
REP. BY ITS DIRECTOR  
ABHISHEK AGARWAL

...PETITIONER

(BY SHRI.H SRINIVAS RAO, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY  
AND ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001



3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BANGALORE-560 003 ...RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
THE KARNATAKA FOREST [AMENDMENT] ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.7.2016 VIDE ANNEXURE-C AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.55478 of 2016:

**BETWEEN:**

MYSORE MINERALS LIMITED  
A COMPANY REGISTERED UNDER THE  
PROVISIONS OF THE COMPANIES ACT, 1956  
(GOVERNMENT OF KARNATAKA UNDERTAKING)  
HAVING ITS REGISTERED OFFICE AT  
TTMC BUILDING, 'A' BLOCK, 5<sup>TH</sup> FLOOR  
BMTC, SHANTINAGAR, BANGALORE-560 027  
REPRESENTED HEREIN BY ITS  
GENERAL MANAGER (MKT)  
Mr.G.KUMARASWAMY ...PETITIONER

(BY SHRI.H.N.NARENDRA DEV, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
DEPARTMENT OF PARLIAMENTARY AFFAIRS

HAVING OFFICE AT VIDHANA SOUDHA  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001  
REPRESENTED BY THE  
PRINCIPAL SECRETARY

2. STATE OF KARNATAKA  
DEPARTMENT OF FOREST  
ECOLOGY AND ENVIRONMENT  
HAVING OFFICE AT M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE - 560 001  
REPRESENTED BY THE  
PRINCIPAL SECRETARY
3. THE MONITORING COMMITTEE  
(CONSTITUTED BY THE HON'BLE  
SUPREME COURT OF INDIA)  
HAVING OFFICE AT DEPARTMENT OF MINES  
AND GEOLOGY No.49, KHANIJA BHAVAN  
5<sup>TH</sup> FLOOR, RACE COURSE ROAD  
BANGALORE-560 001  
REPRESENTED HEREIN BY ITS  
CHAIRMAN ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 AND 2;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE  
KARNATAKA FOREST (AMENDMENT) ACT, 2016 AT ANNEXURE-A

AS BEING ILLEGAL, ARBITRARY, AND ULTRA VIRES THE  
CONSTITUTION OF INDIA ETC.,

In Writ Petition No.858 of 2017:

**BETWEEN:**

M/s.JSW STEELS LIMITED SALEM WORKS  
(PREVIOUSLY KNOWN AS SOUTHERN IRON  
AND STEELS COMPANY LTD.,)

REGD. OFFICE AT  
5A, Dr.G.DESHMUKH MARG  
MUMBAI-400 026

BRANCH OFFICE AT:  
6<sup>TH</sup> FLOOR, EAST WING  
RAHEJA TOWERS, M G.ROAD  
BANGALORE-560 042

UNITS AT:  
POTTANERI, MECHERI, SALEM  
TAMIL NADU, REPRESENTED BY ITS  
AUTHORISED SIGNATORY  
Mr.P.BOOPALAN  
VICE PRESIDENT (F & A)

...PETITIONER

(BY SHRI.D.L.N.RAO, SENIOR ADVOCATE FOR  
SRIMATI.S.R.ANURADHA, ADVOCATE)

**AND:**

1. GOVERNMENT OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY &  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

2. SECRETARY TO GOVERNMENT  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
GOVERNMENT OF KARNATAKA  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. DEPARTMENT OF MINES & GEOLOGY  
BY ITS DIRECTOR, KHANIJA BHAVAN  
RACE COURSE ROAD  
BANGALORE-560 001
4. THE MONITORING COMMITTEE  
DEPARTMENT OF MINES AND GEOLOGY  
KHANIJA BHAVAN, RACE COURSE ROAD  
BANGALORE-560 001  
REP. BY ITS CHAIRMAN ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 3;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE / QUASH  
THE ACT NO.23 OF 2016 PUBLISHED IN THE KARNATAKA  
GAZETTE EXTRAORDINARY ON 27.7.2016 ANNEXURE-A THE  
KARNATAKA FOREST AMENDMENT ACT 2016 TO AMEND THE  
KARNATAKA FOREST ACT 1963 AS ULTRA VIRES THE  
CONSTITUTION ETC.,

In Writ Petition No.13744 of 2017:

**BETWEEN:**

KARNATAKA IRON & STEEL  
MANUFACTURING ASSOCIATION  
REGISTERED OFFICE:  
VIJAYA BANK BUILDING  
VIJAY VITTAL NAGAR, TORANGALLU  
SANDUR TALUK, DISTRICT-BELLARY  
REPRESENTED BY ITS AUTHORISED SIGNATORY  
Mr.MANI MANUEL ...PETITIONER

(BY SHRI.D.L.N.RAO, SENIOR ADVOCATE FOR  
SHRI.ANIRUDH ANAND, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY &  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003
3. THE CONSERVATOR OF FORESTS  
BELLARY CIRCLE, BELLARY-583 101
4. THE DEPUTY CONSERVATOR OF FORESTS  
BELLARY DIVISION, BELLARY-583 101

5. THE MONITORING COMMITTEE  
BY ITS CHAIRMAN-DIRECTOR OF MINES  
AND GEOLOGY, "KHANIJA BHAVAN"  
RACE COURSE ROAD, BANGALORE-560 001
6. DEPARTMENT OF MINES & GEOLOGY  
BY ITS DIRECTOR, KHANIJA BHAVAN  
RACE COURSE ROAD  
BANGALORE-560 001 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 4 AND 6;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.5)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE/ QUASH  
THE ACT NO.23/2016 PUBLISHED IN THE KARNATAKA GAZETTE  
EXTRAORDINARY ON 27.7.2016 i.e. THE KARNATAKA FOREST  
[AMENDMENT] ACT 2016 TO AMEND THE KARNATAKA FOREST  
ACT 1963 VIDE ANNEXURE-A AS ULTRA VIRES THE  
CONSTITUTION ETC.,

In Writ Petition No 43706 of 2016

**BETWEEN:**

M/s.DODDANNAVAR BROTHERS  
(REGD. PARTNERSHIP FIRM)  
DODDANNAVAR COMPOUND  
NEAR FORT, BELGAUM-590 016

REP. BY ITS G.P.A. HOLDER  
SRI.RACHAPPA M. SARADAGI

...PETITIONER

(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003
4. THE DEPUTY CONSERVATOR OF FORESTS  
BAGALKOT DIVISION  
BAGALKOT-588 301

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE  
KARNATAKA FOREST (AMENDMENT) ACT 2016 ENACTED



UNDER KARNATAKA ACT NO.23 OF 2016 AND PUBLISHED IN THE OFFICIAL GAZETTE ON 27.7.2016 VIDE ANNEXURE-A AS DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND THEREBY STRIKE DOWN THE SAME AND ETC.,

In Writ Petition No.43871 of 2016:

**BETWEEN:**

SATHVAHANA ISPAT LIMITED  
A COMPANY INCORPORATED UNDER THE  
COMPANIES ACT 1956 & HAVING ITS  
REGISTERED OFFICE AT  
No.314, SRI.RAMAKRISHNA TOWER  
NAGARJUNA NAGAR  
HYDERABAD-500 073  
HAVING ITS INDUSTRY AT BELLARY  
REPRESENTED BY ITS AGM (HR & ADMN) ...PETITIONER

(BY SHRI.K.RAGHAVACHARYULU, ADVOCATE FOR  
SHRI.D.R.RAVISHANKAR, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
Dr.AMBEDKAR VEEDHI  
BANGALORE- 560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

3. PRINCIPAL CHIEF CONSERVATOR  
OF FOREST, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BANGALORE-560 003
4. THE MONITORING COMMITTEE  
BY ITS CHAIRMAN, KHANIJA BHAVAN  
RACE COURSE ROAD, BANGALORE-560 001

(AMENDMENT CARRIED OUT AS PER COURT ORDER  
DATED 18.8.16) ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 3;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT  
KARNATAKA FOREST [AMENDMENT] ACT, 2016 [ACT NO.23 OF  
2016] IS ULTRA VIRES THE CONSTITUTION AND AGAINST BASIC  
STRUCTURE OF THE CONSTITUTION AND ALSO ULTRAVIRES  
PROVISIONS OF THE FOREST CONSERVATION ACT, 1980 AND  
THE RULES AND ORDERS MADE THEREUNDER OR THEREON  
AND CONSEQUENTLY QUASH AMENDMENT ACT PRODUCED AS  
ANNEXURE-A DTD.27.7.2016 AND ETC.,

*In Writ Petition No.43941 of 2016:*

**BETWEEN:**

BELLARY ISPAT (P) LTD.,  
PLOT No.16, KIADB MUNDARGI BELLARY  
BELLARY-583 102  
HAVING ITS INDUSTRY AT BELLARY

REPRESENTED BY ITS  
MANAGING DIRECTOR

...PETITIONER

(BY SHRI.K.RAGHAVACHARYULU, ADVOCATE FOR  
SHRI.D.R.RAVISHANKAR, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
Dr.AMBEDKAR VEEDHI  
BENGALURU-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BENGALURU-560 001
3. PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BENGALURU -560 003
4. THE MONITORING COMMITTEE  
REPT. ITS CHAIRMAN, KHANIJA BHAVAN  
RACE COURSE ROAD, BANGALORE-560 001

(AMENDMENT CARRIED OUT AS PER COURT ORDER  
DATED 18.8.16) ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,

ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 3;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT KARNATAKA FOREST [AMENDMENT] ACT, 2016 [ACT NO.23 OF 2016] IS ULTRA VIRES THE CONSTITUTION AND AGAINST BASIC STRUCTURE OF THE CONSTITUTION AND ALSO ULTRAVIRES PROVISIONS OF THE FOREST CONSERVATION ACT, 1980 AND THE RULES AND ORDERS MADE THEREUNDER OR THEREON AND CONSEQUENTLY QUASH AMENDMENT ACT PRODUCED AS ANNEXURE-A DTD.27.7.2016 AND ETC.,

In Writ Petition No.43948 of 2016:

**BETWEEN:**

BALAJISWAMY PREMIUM STEELS (P) LTD  
PLOT 16, JIADB, INDUSTRIAL AREA  
2<sup>ND</sup> PHASE, BELLARY-583 102  
HAVING ITS INDUSTRY AT BELLARY  
REPRESENTED BY ITS  
MANAGING DIRECTOR

...PETITIONER

(BY SHRI.K.RAGHAVACHARYULU, ADVOCATE FOR  
SHRI.D.R.RAVISHANKAR, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY

DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
Dr.AMBEDKAR VEEDHI  
BENGALURU-560 001

2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BENGALURU-560 001
3. PRINCIPAL CHIEF CONSERVATOR  
OF FOREST, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BENGALURU -560 003
4. THE MONITORING COMMITTEE  
REPT. ITS CHAIRMAN, KHANIJA BHAVAN  
RACE COURSE ROAD, BANGALORE-560 001

(AMENDMENT CARRIED OUT AS PER COURT ORDER  
DATED 18.8.16) ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT

Nos.1 TO 3;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT  
KARNATAKA FOREST [AMENDMENT] ACT, 2016 [ACT NO.23 OF  
2016] IS ULTRA VIRES THE CONSTITUTION AND AGAINST BASIC

STRUCTURE OF THE CONSTITUTION AND ALSO ULTRAVIRES PROVISIONS OF THE FOREST CONSERVATION ACT, 1980 AND THE RULES AND ORDERS MADE THEREUNDER OR THEREON AND CONSEQUENTLY QUASH AMENDMENT ACT PRODUCED AS ANNEXURE-A DTD.27.7.2016 AND ETC.,

In Writ Petition No.43949 of 2016:

**BETWEEN:**

MUKUND LIMITED  
No.226, BAJAJ BHAVAN  
JAMNALAL BAJAJ MARG  
NARIMON POINT  
MUMBAI-400 021  
HAVING ITS INDUSTRY AT BELLARY  
REPRESENTED BY ITS  
CHIEF LIOSONING OFFICER

...PETITIONER

(BY SHRI.K.RAGHAVACHARYULU, ADVOCATE FOR  
SHRI.D.R.RAVISHANKAR, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
Dr.AMBEDKAR VEEDHI  
BENGALURU-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND

ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BENGALURU-560 001

3. PRINCIPAL CHIEF CONSERVATOR  
OF FOREST, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BENGALURU -560 003
4. THE MONITORING COMMITTEE  
REPT. ITS CHAIRMAN, KHANIJA BHAVAN  
RACE COURSE ROAD, BANGALORE-560 001

(AMENDMENT CARRIED OUT AS PER COURT ORDER  
DATED 18.8.16) ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 3;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT  
KARNATAKA FOREST [AMENDMENT] ACT, 2016 [ACT NO.23 OF  
2016] IS ULTRA VIRES THE CONSTITUTION AND AGAINST BASIC  
STRUCTURE OF THE CONSTITUTION AND ALSO ULTRAVIRES  
PROVISIONS OF THE FOREST CONSERVATION ACT, 1980 AND  
THE RULES AND ORDERS MADE THEREUNDER OR THEREON  
AND CONSEQUENTLY QUASH AMENDMENT ACT PRODUCED AS  
ANNEXURE-A DTD.27.7.2016 AND ETC.,



In Writ Petition No.43950 of 2016:

**BETWEEN:**

KARNATAKA SPONGE IRON MANUFACTURERS  
ASSOCIATION, No.39/1B/27-4, BLOCK No.7  
TALUR ROAD, OPP:SAKTHI NURSING HOME  
PARVATHI NAGAR, BELLARY-583 101  
HAVING ITS INDUSTRY AT BELLARY  
REPRESENTED BY ITS PRESIDENT

...PETITIONER

(BY SHRI.K.RAGHAVACHARYULU, ADVOCATE FOR  
SHRI.D.R.RAVISHANKAR, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
Dr.AMBEDKAR VEEDHI  
BENGALURU-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S BUILDING  
Dr.AMBEDKAR VEEDHI  
BENGALURU-560 001
3. PRINCIPAL CHIEF CONSERVATOR  
OF FOREST, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BENGALURU -560 003
4. THE MONITORING COMMITTEE  
REPT. ITS CHAIRMAN, KHANIJA BHAVAN  
RACE COURSE ROAD, BANGALORE-560 001

(AMENDMENT CARRIED OUT AS PER COURT ORDER  
DATED 18.8.16) ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 3;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT  
KARNATAKA FOREST [AMENDMENT] ACT 2016 [ACT NO.23 OF  
2016] IS ULTRA VIRES THE CONSTITUTIONS AND AGAINST  
BASIC STRUCTURE OF THE CONSTITUTION AND ALSO  
ULTRAVIRES PROVISIONS OF THE FOREST CONSERVATION  
ACT, 1980 AND THE RULES AND ORDERS MADE THEREUNDER  
OR THEREON AND CONSEQUENTLY QUASH AMENDMENT ACT  
AT ANNEXURE-A DATED 27.07.2016 AND ETC.,

In Writ Petition No.43951 of 2016:

**BETWEEN:**

IRON ORE END USERS ASSOCIATION  
HEAD OFFICE, POST BOX.No.34  
BHUBANESWAR-751 001  
HAVING ITS INDUSTRY AT BELLARY  
REPRESENTED BY ITS SECRETARY ...PETITIONER

(BY SHRI.K.RAGHAVACHARYULU, ADVOCATE FOR  
SHRI.D.R.RAVISHANKAR, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY

DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
Dr.AMBEDKAR VEEDHI  
BENGALURU-560 001

2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BENGALURU-560 001
3. PRINCIPAL CHIEF CONSERVATOR  
OF FOREST, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BENGALURU -560 003
4. MONITORING COMMITTEE  
REPT. ITS CHAIRMAN, KHANIJA BHAVAN  
RACE COURSE ROAD, BANGALORE-560 001

(AMENDMENT CARRIED OUT AS PER COURT ORDER  
DATED 18.8.16) ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT

Nos.1 TO 3;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT  
KARNATAKA FOREST [AMENDMENT] ACT, 2016 [ACT NO.23 OF  
2016] IS ULTRA VIRES THE CONSTITUTIONS AND AGAINST  
BASIC STRUCTURE OF THE CONSTITUTION AND ALSO

ULTRAVIRES PROVISIONS OF THE FOREST CONSERVATION ACT, 1980 AND THE RULES AND ORDERS MADE THEREUNDER OR THEREON AND CONSEQUENTLY QUASH AMENDMENT ACT PRODUCED AS ANNEXURE-A DATED 27.07.2016 AND ETC.,

In Writ Petition No.43969 of 2016:

**BETWEEN:**

M/s.BMM ISPAT LTD.,  
A COMPANY REGISTERED UNDER THE  
COMPANIES ACT, 1956  
WITH ITS OFFICE AT No.101  
1<sup>ST</sup> FLOOR, "PRIDE ELITE"  
No.10, MUSEUM ROAD  
BENGALURU-560 001  
REP. BY ITS GENERAL MANAGER-PR  
Mr.SILAS NERALLA

...PETITIONER

(BY SHRI.K.DHIRAJ KUMAR, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFIARS  
VIDHANA SOUDHA, BANGALORE-560 001
2. PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE MONITORING COMMITTEE  
REPRESENTED BY ITS CONVENOR  
KHANIJA BHAVAN, RACE COURSE ROAD  
BANGALORE-560 001

4. MSTC LIMITED  
A GOVT. OF INDIA ENTERPRISES  
REPRESENTED ITS CHIEF MANAGER  
3<sup>RD</sup> FLOOR, KAREEM TOWER  
19/5 & 19/6, CUNNINGHAM ROAD  
BANGALORE-560 052
  5. THE DIRECTOR AND COMMISSIONER  
DEPARTMENT OF MINES AND GEOLOGY  
KHANIJA BHAVAN, RACE COURSE ROAD  
BANGALORE-560 001
  6. THE DEPUTY CONSERVATOR OF FORESTS  
DEPARTMENT OF FORESTS  
RADIO PARK, COWL BAZAR  
BELLARY-583 102
  7. THE DEPUTY CONSERVATOR OF FORESTS  
DEPARTMENT OF FORESTS  
HOLALKERE ROAD  
CHITRADURGA-577 501
- ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT

Nos.1, 2, 5, 6 AND 7;

SHRI.B.C.SEETHARAM RAO, ADVOCATE FOR RESPONDENT  
No.4;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE FOR RESPONDENT No.3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE  
KARNATAKA FOREST (AMENDMENT ACT) 2016 PUBLISHED IN

OFFICIAL GAZETTE ON 27.07.2016 (THE KARNATAKA ACT NO.23/2016, AMENDING THE KARNATAKA FOREST ACT 1963), AT ANNEXURE-H AND TO DECALRE THE SAME TO BE UNCONSTITUTIONAL.

In Writ Petition No.44107 of 2016:

**BETWEEN:**

SRIKALAHASTHI PIPES LIMITED  
RACHAGUNNERI-517 641  
SRIKALAHASTHI MANDAL  
CHITTOOR DISTRICT  
ANDHRA PRADESH  
REPRESENTED BY ITS  
Sr.GENERAL MANAGER (COMMERCIAL)  
SRI.KRISHNA KANODIA

...PETITIONER

(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE -560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"

18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003

4. THE MONITORING COMMITTEE  
REPRESENTED BY ITS CHAIRMAN  
5<sup>TH</sup> FLOOR, KHANIJA BHAVAN  
RACE COURSE ROAD, BANGALORE-560 001

(CAUSE TITLE AMENDED AND 4<sup>TH</sup> RESPONDENT  
IMPLEADED WITH LEAVE OF THE COURT VIDE  
ORDER DATED 23.8.16) ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 3;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE FOR RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE  
KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-A AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

*In Writ Petition No.44206 of 2016:*

**BETWEEN:**

JANKI CROP LTD  
CHITTOR ROAD, BHILWARA  
RAJASTHAN-311 001  
HAVING ITS INDUSTRY AT BELLARY



REPRESENTED BY ITS CORPORATE  
RELATIONS OFFICER

...PETITIONER

(BY SHRI.K.RAGHAVACHARYULU, ADVOCATE FOR  
SHRI.D.R.RAVISHANKAR, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BENGALURU-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST  
ECOLOGY AND ENVIRONMENT  
M.S.BUILDING, Dr.AMBEDKAR VEEDHI  
BENGALURU-560 001
3. PRINCIPAL CHIEF CONSERVATOR  
OF FOREST, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BENGALURU-560 003
4. THE MONITORING COMMITTEE  
BY ITS CHAIRMAN  
KHANIJA BHAVAN, RACE COURSE ROAD  
BANGALORE

(AMENDMENT CARRIED OUT AS PER COURT ORDER  
DATED 18.8.16)

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,

ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 3;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE FOR RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT KARNATAKA FOREST [AMENDMENT] ACT 2016 [ACT NO.23 OF 2016] IS ULTRA VIRES THE CONSTITUTIONS AND AGAINST BASIC STRUCTURE OF THE CONSTITUTION AND ALSO ULTRAVIRES PROVISIONS OF THE FOREST CONSERVATION ACT, 1980 AND THE RULES AND ORDERS MADE THEREUNDER OR THEREON AND CONSEQUENTLY QUASH AMENDMENT ACT AT ANNEXURE-A DATED 27.07.2016.

In Writ Petition No.44233 of 2016:

**BETWEEN:**

JAI RAJ ISPAT LIMITED  
HAVING ITS ADMINISTRATIVE OFFICE  
AT No.8, PHASE III, IDA, JEEDIMETLA  
HYDERABAD-500 055, ANDHRA PRADESH  
REPRESENTED BY ITS SENIOR MANAGER  
(LEGAL), SRI.KATAKAM SUNEEL BABU ...PETITIONER  
  
(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST  
ECOLOGY AND ENVIRONMENT  
M.S.BUILDING, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003
4. THE MONITORING COMMITTEE  
REP. BY ITS CHAIRMAN  
DEPARTMENT OF MINES AND GEOLOGY  
No.49, "KHANILJA BHAVAN"  
5<sup>TH</sup> FLOOR, RACE COURSE ROAD  
BANGALORE-560 001 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT

Nos.1 TO 3;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE FOR RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DIRECTION  
DECLARE THE KARNATAKA FOREST (AMENDMENT) ACT 2016  
ENACTED UNDER KARNATAKA ACT NO.23 OF 2016 AND  
PUBLISHED IN THE OFFICIAL GAZETTE ON 27.7.2016 VIDE  
ANNEXURE-A AS DISCRIMINATORY, ARBITRARY AND  
UNCONSTITUTIONAL AND THEREBY STRIKE DOWN THE SAME.

In Writ Petition Nos.44253-44260 of 2016:

**BETWEEN:**

1. FEDERATION OF INDIAN MINING INDUSTRIES, SOUTHERN REGION  
No.300/1B, 16<sup>TH</sup> CROSS  
SADASHIVNAGAR  
BANGALORE-560 080  
REPRESENTED BY AUTHORISED SIGNATORY  
Mr.HOLAVANAHALLI MIRZA KHYUM ALI
2. RAMAGAD MINERALS AND MINING LIMITED  
(IYLI MINES), BALDOTA ENCLAVE  
ABHERAJ BALDOTA ROAD  
HOSAPETE-583 203  
REPRESENTED BY ITS AUTHORIZED SIGNATORY  
Mr.RAHUL KUMAR N. BALDOTA
3. MSPL LIMITED  
(VYASANAKERI IRON ORE MINES)  
BALDOTA ENCLAVE, ABHERAJ BALDOTA ROAD  
HOSAPETE-583 203  
REPRESENTED BY ITS AUTHORIZED SINGATORY  
Mr.ANJU GOPALRAO DESAI
4. M/s.P.VENGANNA SETTY AND BROTHERS  
A PARTNERSHIP FIRM, BALDOTA ENCLAVE  
ABHERAJ BALDOTA ROAD  
HOSAPETE-583 203  
REPRESENTED BY ITS AUTHORIZED SINGATORY  
Mr.ANJU GOPALRAO DESAI
5. MINERAL ENTERPRISES LIMITED  
KHANIJA BHAVAN, WEST WING  
3<sup>RD</sup> FLOOR, No.49, RACE COURSE ROAD  
BANGALORE - 560 001

REPRESENTED BY ITS AUTHORIZED SIGNATORY  
Mr.BASANT PODDAR

6. Mr.BASANT PODDAR  
S/O LATE Mr K P PODDAR  
AGED ABOUT 57 YEARS  
RESIDING AT No.487, 10<sup>TH</sup> CROSS  
RMV EXTENSION  
BANGALORE-560 080
7. M/s.P.BALASUBBA SETTY & SON  
A PARTNERSHIP FIRM  
D.No.2078, P.B.No.03  
22<sup>ND</sup> WARD, J.P.NAGAR  
BALLARI ROAD, HOSAPETE-583 201  
BALLARI DISTRICT  
REPRESENTED BY ITS AUTHORIZED  
SIGNATORY, Mr.P.V.PRAKASH
8. M/s.R.PAMPAPATHY AARPEE IRON ORE MINES  
A PARTNERSHIP FIRM, 24/151  
BELLARY ROAD, HOSPET-583 201  
BELLARY DISTRICT  
KARNATAKA, REPRESENTED BY ITS  
AUTHORIZED SIGNATORY  
R.SHARANABASAVESWARA ...PETITIONERS

(BY SHRI S.GANESH, SENIOR ADVOCATE FOR  
SHRI.ADITHYA NARAYAN, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

2. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BANGALORE-560 003
3. UNION OF INDIA  
MINISTRY OF LAW AND JUSTICE  
4<sup>TH</sup> FLOOR A-WING  
SHASTRI BHAWAN  
NEW DELHI-110 001
4. MONITORING COMMITTEE  
KHANIJA BHAVAN  
RACE COURSE ROAD  
BANGALORE-560 001  
REPRESENTED BY ITS CHAIRMAN ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 AND 2;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE FOR RESPONDENT No.4)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO  
DECLARE THAT THE KARNATAKA FOREST (AMENDMENT) ACT  
2016 [KARNATAKA ACT NO.23 OF 2016] [ANNEXURE-A] IS  
UNCONSTITUTIONAL AND VOID AB INITIO.

In Writ Petition No.44270 of 2016:

**BETWEEN:**

SRI.R.CHARUCHANDRA  
S/O.Dr.NAGAN GOWDA

AGED AROUND 78 YEARS  
R/O.Dr.NAGAN GOWDA GARDENS  
STATION ROAD, HOSPET-583 201  
BELLARY DISTRICT

...PETITIONER

(BY SHRI.D.L.N.RAO, SENIOR ADVOCATE FOR  
SHRI.ANIRUDH ANAND, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
  2. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003
  3. THE CONSERVATOR OF FORESTS  
BELLARY CIRCLE  
BELLARY-583 101
  4. THE DEPUTY CONSERVATOR OF FORESTS  
BELLARY DIVISION  
BELLARY-583 101
  5. THE MONITORING COMMITTEE  
BY ITS CHAIRMAN-DIRECTOR OF  
MINES AND GEOLOGY  
"KHANIJA BHAVAN", RACE COURSE ROAD  
BANGALORE-560 001
- ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND



SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 4;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
BY ISSUE OF AN APPROPRIATE WRIT, THAT THE KARNATAKA  
FORESTS AMENDMENT ACT, KARNATAKA ACT 23 OF 2016  
DTD:27.7.2016 VIDE ANNEXURE-A IS UNCONSTITUTIONAL,  
NULL AND VOID ETC.,

In Writ Petition No.44271 of 2016:

**BETWEEN:**

M/s.HARE KRISHNA METALICS PVT. LTD.,  
SY No.20, KASANKANDI ROAD  
HIREBAGANAL, KOPPAL-583 228  
REPRESENTED BY ITS PRESIDENT  
Mr.SANJAY MALPANI  
S/O.SRI.B.N.MALPANI

...PETITIONER

(BY SHRI.D.L.N.RAO, SENIOR ADVOCATE FOR  
SHRI.ANIRUDH ANAND, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, ARANYA BHAVAN

18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003

3. THE CONSERVATOR OF FORESTS  
BELLARY CIRCLE  
BELLARY-583 101
4. THE DEPUTY CONSERVATOR OF FORESTS  
BELLARY DIVISION  
BELLARY-583 101
5. THE MONITORING COMMITTEE  
BY ITS CHAIRMAN-DIRECTOR OF  
MINES AND GEOLOGY  
"KHANIJA BHAVAN", RACE COURSE ROAD  
BANGALORE-560 001 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 4;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
THAT THE KARNATAKA FOREST AMENDMENT ACT, KARNATAKA  
ACT 23/2016 DTD.27.7.2016 VIDE ANNEXURE-A IS  
UNCONSTITUTIONAL, NULL AND VOID.

In Writ Petition No.44329 of 2016:

**BETWEEN:**

M/s.VEERABHADRAPPA SANGAPPA AND  
COMPANY, A PARTNERSHIP FIRM

'VESCO HOUSE', # 2/138, BELLARY ROAD  
SANDUR-583 119, BELLARY DISTRICT  
REPRESENTED BY ITS AUTHORISED  
SIGNATORY, Mr.K.S.NAGARAJ

...PETITIONER

(BY SHRI.S.GANESH, SENIOR ADVOCATE FOR  
SHRI.K.N.SRINIVASA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST  
ECOLOGY AND ENVIRONMENT  
M.S.BUILDING, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. THE PRINCIPAL CHIEF CONSERVATOR OF  
FORESTS, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BANGALORE-560 003
3. UNION OF INDIA  
MINISTRY OF LAW AND JUSTICE  
4<sup>TH</sup> FLOOR, A-WING  
SHASTRI BHAVAN  
NEW DELHI-110 001  
REPRESENTED BY ITS SECRETARY
4. MONITORING COMMITTEE  
KHANIJA BHAVAN  
RACE COURSE ROAD  
BANGALORE-560 001  
REPRESENTED BY ITS  
CHAIRMAN

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND

SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 AND 2;  
SRIMATI.ANUPAMA HEGDE CENTRAL GOVERNMENT COUNSEL  
FOR RESPONDENT No.3;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO THE  
KARNATAKA FOREST (AMENDMENT) ACT, 2016 [KARNATAKA  
ACT NO.23/2016] [ANNEXURE-A] IS UNCONSTITUTIONAL AND  
VOID AB INITIO.

In Writ Petition No.44417 of 2016:

**BETWEEN:**

M/s.SREE KUMARASWAMY MINERAL EXPORTS  
PVT. LTD., REGISTERED PARTNERSHIP FIRM  
REPRESENTED BY ITS MANAGER  
SRI.MANJUNATH P  
#87, S.V.COLONY  
NEAR KUMARASWAMY TEMPLE  
CLUB ROAD, BELLARY-583 104

...PETITIONER

(BY SHRI D.L.N.RAO, SENIOR ADVOCATE FOR  
SHRI.ANIRUDH ANAND, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001

2. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003
3. THE CONSERVATOR OF FORESTS  
BELLARY CIRCLE  
BELLARY-583 101
4. THE DEPUTY CONSERVATOR OF FORESTS  
BELLARY DIVISION  
BELLARY-583 101
5. THE MONITORING COMMITTEE  
BY ITS CHAIRMAN-DIRECTOR OF  
MINES AND GEOLOGY  
"KHANIJA BHAVAN", RACE COURSE ROAD  
BANGALORE-560 001 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT

Nos.1 TO 4;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
BY ISSUE OF AN APPROPRIATE WRIT, THAT THE KARNATAKA  
FORESTS AMENDMENT ACT, KARNATAKA ACT 23 OF 2016  
DTD:27.7.2016 VIDE ANNEXURE-A IS UNCONSTITUTIONAL,  
NULL AND VOID ETC.,

In Writ Petition No.44727 of 2016:

**BETWEEN:**

KALYANI STEELS LIMITED  
HOSPET ROAD, GINIGERA  
KOPPAL DISTRICT-583 231  
REPRESENTED BY ASST. GENERAL MANAGER  
SRI.ANAND SHIRSAT  
AGED 51 YEARS

...PETITIONER

(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST  
ECOLOGY AND ENVIRONMENT  
M.S.BUILDING, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003
4. THE MONITORING COMMITTEE  
REP. BY ITS CHAIRMAN  
DEPARTMENT OF MINES AND GEOLOGY  
No.49, "KHANIJA BHAVAN"

5<sup>TH</sup> FLOOR, RACE COURSE ROAD  
BANGALORE-560 001

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT

Nos.1 TO 3;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE - RESPONDENT No.4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE  
KARNATAKA FOREST [AMENDMENT] ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23 OF 2016 AND PUBLISHED IN  
THE OFFICIAL GAZETTE ON 27.7.2016 VIDE ANNEXURE-A AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.45967 of 2016

**BETWEEN:**

M/s.M.HANUMANTHA RAO  
REPRESENTED BY ITS PARTNER  
ARUN CHIRANIA  
S/O.SHYAM SUNDAR CHIRANIA  
AGE: 48 YEARS, No.37, MAIN ROAD  
PATEL NAGAR, BELLARY-583 101

...PETITIONER

(BY SHRI.K.DHIRAJ KUMAR, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY



DEPARTMENT OF PARLIAMENTARY AFFIARS  
VIDHANA SOUDHA, BANGALORE-560 001

2. PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
  3. THE MONITORING COMMITTEE  
REPRESENTED BY ITS CONVENOR  
KHANIJA BHAVAN, RACE COURSE ROAD  
BANGALORE-560 001
  4. MSTC LIMITED  
A GOVT. OF INDIA ENTERPRISES  
REPRESENTED ITS CHIEF MANAGER  
3<sup>RD</sup> FLOOR, KAREEM TOWER  
19/5 & 19/6, CUNNINGHAM ROAD  
BANGALORE-560 052
  5. THE DIRECTOR AND COMMISSIONER  
DEPARTMENT OF MINES AND GEOLOGY  
KHANIJA BHAVAN, RACE COURSE ROAD  
BANGALORE-560 001
  6. THE DEPUTY CONSERVATOR OF FORESTS  
DEPARTMENT OF FORESTS  
RADIO PARK, COWL BAZAR  
BELLARY-583 102
- ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1, 2, 5 AND 6;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE FOR RESPONDENT No.3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE  
KARNATAKA FOREST (AMENDMENT ACT) 2016 PUBLISHED IN  
OFFICIAL GAZETTE ON 27.07.2016 (THE KARNATAKA ACT  
NO.23/2016, AMENDING THE KARNATAKA FOREST ACT 1963),  
COPY OF THE WHICH IS PRODUCED AT ANNEXURE-H AND TO  
DECLARE THE SAME TO BE UNCONSTITUTIONAL.

In Writ Petition No.46231 of 2016:

**BETWEEN:**

VENKATA SAI ISPAT  
INDUSTRIES PVT. LTD.,  
HAVING ITS REGISTERED OFFICE AT  
No.301, P.S.RESIDENCY  
JAI HIND ENCLAVE, MADHAPUR  
HYDERABAD, TELENGANA-500 081  
REPRESENTED BY ITS AUTHORISED SIGNATORY  
Mr.K.L.N.PRASAD ...PETITIONER

(BY SHRI.K.ARAVIND KAMATH, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. DEPARTMENT OF FOREST, ECOLOGY  
AND ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI

BANGALORE-560 001  
REPRESENTED BY ITS PRINCIPAL SECRETARY

3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BENGALURU-560 003
4. DISTRICT CONSERVATIVE FOREST OFFICER  
KARNATAKA FOREST DEPARTMENT  
BELLARY DIVISION  
BELLARY-583 201 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE  
KARNATAKA FOREST (AMENDMENT) ACT, 2016 PUBLISHED IN  
THE OFFICAL GAZETTE ON 27.07.2016 AT ANNEXURE-K AS  
DISCRIMINATORY AND UNCONSTITUTIONAL AND THEREBY  
STRIKE IT DOWN BY ISSUING.

In Writ Petition No.46232 of 2016:

**BETWEEN:**

HINDUSTAN CALCINED METALS PRIVATE LIMITED  
REGD OFFE: 60/356-A, MODI BHAVAN  
HOSPET ROAD, ALLIPURA  
BELLARY-583 105  
REP. BY ITS GENERAL MANAGER  
SRI.D.V.MAHESH KUMAR ...PETITIONER

(BY SHRI.H.SRINIVAS RAO, ADVOCATE ALONG WITH  
SHRI.BADRI VISHAL, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FOREST, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS MALLESHWARAM  
BANGALORE-560 003 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
THE KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-C AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.46233 of 2016:

**BETWEEN:**

MINERA STEEL & POWER PRIVATE LIMITED  
REPRESENTED BY ITS DIRECTOR

SRI.TANVEER AHMED  
HAVING ITS REGISTERED OFFICE AT:  
811/2, NH63, HOSPET ROAD  
ALIPUR, BELLARY-583 105

...PETITIONER

(BY SHRI.H.SRINIVAS RAO, ADVOCATE ALONG WITH  
SHRI.BADRI VISHAL, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
  2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
  3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS MALLESHWARAM  
BANGALORE-560 003
- ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
THE KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-C AS

DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.46234 of 2016

**BETWEEN:**

BIOP STEELS AND POWER PRIVATE LIMITED  
REGD. OFF AT: MODI BHAVAN  
HOSPET ROAD, ALLIPUR  
BELLARY-583 104  
REP. BY ITS GENERAL MANAGER  
SRI.D.V.MAHESH KUMAR ...PETITIONER

(BY SHRI.H.SRINIVAS RAO, ADVOCATE ALONG WITH  
SHRI.BADRI VISHAL, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS MALLESHWARAM  
BANGALORE-560 003 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND

SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED UNDER KARNATAKA ACT NO.23/2016 AND PUBLISHED IN THE OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-C AS DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.46532 of 2016:

**BETWEEN:**

M/s.THAKUR INDUSTRIES  
No.F-2, 1<sup>ST</sup> FLOOR, R.R.KUTEERA  
DOOR No.48, 29<sup>TH</sup> WARD  
BDCC BANK COLONY, M.J.NAGAR  
HOSPET-583 201  
BELLARY DISTRICT  
REPRESENTED BY PARTNER  
Mr.M.PRAKASH LALWANI

...PETITIONER

(BY SHRI.D.L.N.RAO, SENIOR ADVOCATE FOR  
SHRI.ANIRUDH ANAND, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST  
ECOLOGY AND ENVIRONMENT  
M.S.BUILDING, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001



2. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003
3. THE CONSERVATOR OF FORESTS  
BELLARY CIRCLE  
BELLARY-583 101
4. THE DEPUTY CONSERVATOR OF FORESTS  
BELLARY DIVISION  
BELLARY-583 101
5. THE MONITORING COMMITTEE  
BY ITS CHAIRMAN-DIRECTOR OF MINES  
AND GEOLOGY, "KHANIJA BHAVAN"  
RACE COURSE ROAD  
BANGALORE-560 001 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT

Nos.1 TO 4;

SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHAVA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE FOR RESPONDENT No.5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
BY ISSUE OF AN APPROPRIATE WRIT THAT THE KARNATAKA  
FORESTS AMENDMENT ACT, KARNATAKA ACT 23 OF 2016  
DTD:27.7.2016 VIDE ANNEXURE-A IS UNCONSTITUTIONAL NULL  
AND VOID ETC.,

In Writ Petition No.46533 of 2016:

**BETWEEN:**

M/s.KEJ MINERALS PVT. LTD.,  
A COMPANY REGISTERED UNDER THE  
PROVISIONS OF COMPANIES ACT, 1956  
# 17, SRI.RAGHAVENDRA LAYOUT  
'D'-BLOCK, OPP. M.E.I., TUMKUR ROAD  
YESHWANTHPUR  
BANGALORE-560 022

REPRESENTED BY ITS MANAGING DIRECTOR  
NAROTTAM KEJRIWAL  
S/O.SHRI.N.P.KEJRIWAL

...PETITIONER

(BY SHRI.D.L.N.RAO, SENIOR ADVOCATE FOR  
SHRI.ANIRUDH ANAND, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST  
ECOLOGY AND ENVIRONMENT  
M.S.BUILDING, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, ARANYA BHAVAN  
18<sup>TH</sup> CROSS, MALLESWARAM  
BANGALORE-560 003
3. THE CONSERVATOR OF FORESTS  
BELLARY CIRCLE  
BELLARY-583 101

4. THE DEPUTY CONSERVATOR OF FORESTS  
BELLARY DIVISION  
BELLARY-583 101
5. THE MONITORING COMMITTEE  
BY ITS CHAIRMAN-DIRECTOR OF  
MINES AND GEOLOGY  
“KHANIJA BHAVAN”, RACE COURSE ROAD  
BANGALORE-560 001 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT  
Nos.1 TO 4;  
SHRI.ADITYA SONDHI, SENIOR ADVOCATE ALONG WITH  
SHRI.M.KESHA REDDY, ADVOCATE FOR MONITORING  
COMMITTEE FOR RESPONDENT No.5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
BY ISSUE OF AN APPROPRIATE WRIT THAT THE KARNATAKA  
FORESTS AMENDMENT ACT, KARNATAKA ACT 23/2016 DATED  
27.07.2016 AT ANNEXURE-A IS UNCONSTITUTIONAL , NULL AND  
VOID ETC.,

In Writ Petition No.46815 of 2016:

**BETWEEN:**

MARUTI ISPAT & ENERGY PRIVATE LIMITED  
5-4-83, RAMA TOWERS, 2<sup>ND</sup> FLOOR  
TSK CHAMBERS, M.G.ROAD  
SECUNDERABAD-500 003  
ANDHRA PRADESH, INDIA  
REP. BY ITS DIRECTOR

...PETITIONER

(BY SHRI.BADRI VISHAL, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BANGALORE-560 003 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
THE KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23/2016 AND PUBLISHED IN THE  
OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-C AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

In Writ Petition No.46963 of 2016:

**BETWEEN:**

M/s.S.V.CHETTY IRON ORE MINES  
OLD INCOME TAX OFFICE

BUILDING, NEAR SAHAKARI KALYANA MANTAPA  
N.C.COLONY, HOSPET-583 201

REPRESENTED BY Mr.MALLANAGOUDA

...PETITIONER

(BY SHRI.M.V.SUNDER RAMAN, ADVOCATE ALONG WITH  
SHRI.K.ARUN KUMAR, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, "ARANYA BHAVAN"  
18<sup>TH</sup> CROSS, MALLESHWARAM  
BANGALORE-560 003 ... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE  
THE KARNATAKA FOREST (AMENDMENT) ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23 OF 2016 AND PUBLISHED IN  
THE OFFICIAL GAZETTE ON 27.07.2016 VIDE ANNEXURE-A AS  
DISCRIMINATORY, ARBITRARY, AND UNCONSTITUTIONAL.

In Writ Petition No.47713 of 2016:

**BETWEEN:**

SRI.V.N.K.MENON  
S/O LATE SRI S K NAIR  
AGED ABOUT 72 YEARS  
VILLA No.159, 1<sup>ST</sup> PHASE  
“ADARSH PALM RETREAT”  
DEVERABISANAHALLI BELANDUR POST  
OUTER RING ROAD  
BANGALORE-560 103  
AND HAVING MINES OFFICE AT  
No.6, KHB COLONY, SANDUR-583 119  
BELLARY DISTRICT ...PETITIONER

(BY SHRI.UDAY HOLLA, SENIOR ADVOCATE FOR  
SHRI.K.N.PHANINDRA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PARLIAMENTARY AFFAIRS  
VIDHANA SOUDHA, Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF FOREST, ECOLOGY AND  
ENVIRONMENT, M.S.BUILDING  
Dr.AMBEDKAR VEEDHI  
BANGALORE-560 001
3. THE PRINCIPAL CHIEF CONSERVATOR  
OF FORESTS, “ARANYA BHAVAN”

18<sup>TH</sup> CROSS, MALLESHWARAM  
BANGALORE-560 003

... RESPONDENTS

(BY SHRI.S.K.BAGARIA, SENIOR ADVOCATE ALONG WITH  
SHRI.A.S.PONNANNA, ADDITIONAL ADVOCATE GENERAL AND  
SHRI.VENKATASWAMY GANGADHAR BHANUPRAKASH,  
ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF  
THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THE  
KARNATAKA FOREST [AMENDMENT] ACT, 2016 ENACTED  
UNDER KARNATAKA ACT NO.23 OF 2016 AND PUBLISHED IN  
THE OFFICIAL GAZETTE ON 27.7.2016 VIDE ANNEXURE-A AS  
DISCRIMINATORY, ARBITRARY AND UNCONSTITUTIONAL AND  
THEREBY STRIKE DOWN THE SAME.

THESE WRIT PETITIONS, HAVING BEEN HEARD AND  
RESERVED FOR ORDERS ON SEPTEMBER 18, 2017, COMING  
ON FOR PRONOUNCEMENT OF ORDER, THIS DAY, **P.S. DINESH  
KUMAR, J.**, PRONOUNCED THE FOLLOWING:-



## **ORDER**

In all these writ petitions, the petitioners are challenging, *inter alia*, the Constitutional validity of Act 23 of 2016, amending Chapter XI-A of the Karnataka Forest Act, 1963 ('Forest Act' for short).

2. Briefly stated the facts of the case are, the Forest Act was amended during 1976 inserting Chapter XI-A with effect from December 24, 1975, which provided for levy of forest development tax on disposal of forest produce by the State Government under Sections 98-A and 98-B of the Forest Act.

3. Further, in the year 1989, by Act 10 of 1989, the provision of Section 98-A was made applicable, with effect from February 14, 1978, to the Corporations owned or controlled by the State Government.

4. The validity of levy under Section 98-A of the Forest Act was challenged in this Court, contending *inter alia* that the said levy was in fact a fee, and such a fee could not have been levied as there was no *quid pro quo* with reference to the quantum of levy. This Court, in the case of *Gurusiddappa Nurandappa Uppin and etc. etc. v. State of Karnataka and another etc.* (AIR 1981 KAR 216), rejecting the contention of the petitioners therein, held that the levy under Section 98-A was not a 'fee', but answers the description of 'tax'.

5. Thereafter, the State Government were collecting forest development tax under Section 98-A of the Forest Act at the rate of 8 % p.a. on the royalty amount paid by the lease holders by treating the same as a 'disposal' within the meaning of Section 98-A. Such collection of forest development tax was challenged by several mining lease holders. This Court, in a decision rendered on *July 2, 1996*

in *Writ Petition No.35525 of 1993* and connected writ petitions (*R.Rampapathi v. State of Karnataka and others*) held that the forest development tax was not leviable on the royalty. The writ appeals filed thereon, as also the Special Leave Petitions filed by the State Government before the Supreme Court of India in *S.L.P.No.3742 - 46 of 1999* (*State of Karnataka v. R.Rampapathi*) stood dismissed.

6. By a notification dated August 16, 2008, the State Government brought the 'holders of mines and quarries situated in forest area' as 'body' under the ambit of Section 98-A(1) of the Act, requiring them to pay forest development tax. In furtherance thereof, instructions were issued to the Principal Chief Conservator of Forests in Karnataka to recover forest development tax based on the value of minerals shown in bills and invoices. Official Memoranda were issued to the lease holders to pay tax at the rate of 8% p.a. on the invoice value or the price fixed by the National Mineral Development

Corporation or Mysore Minerals Limited, whichever was higher. So far as the mines situated in the Ballari circle are concerned, by a communication dated October 13, 2008, the forest development tax was sought to be recovered at 12% p.a.

7. The aforesaid notification dated August 16, 2008, and consequential communications were challenged in writ petitions before this Court. In a decision rendered by a Division Bench of this Court, on December 3, 2015, of which one of us (the Chief Justice), is a party, in the case of *National Mineral Development Corporation Limited, Bangalore v. State of Karnataka and another* reported in 2016(1) AKR 642, held, *inter alia*, that forest development tax is a 'Tax' leviable under Entry 54 List II and it is not 'fee' within the scope of Entry 47 List III of the Constitution.

8. The aforesaid decision in *NMDC* Case, is pending adjudication in Special Leave Petitions No.6219 – 6313 of

2016 and other connected cases before the Supreme Court of India.

9. Now, by Act 23 of 2016, notified in the gazette on July 27, 2016, the State Government has again amended Chapter IX-A of the Forest Act, which is under challenge in these proceedings.

10. We have heard Mr.S.Ganesh, Mr.D.L.N.Rao and Mr.Uday Holla, learned senior advocates for the petitioners and Mr.S.K.Bagaria, learned senior advocate for the State Government and Mr.Aditya Sondhi, learned additional Advocate General for the Monitoring Committee.

11. The principal contentions urged on behalf of the petitioners are:

- (i) The State lacks legislative competence to enact the impugned legislation;
- (ii) The impugned act is contrary to the law laid down by this Court in the case of *Gurusiddappa supra*,

and other judicial pronouncements. Therefore, without altering the basis of the judicial pronouncements, the State could not have brought in the amendment only by adding explanations;

- (iii) No fee is leviable unless there is a *quid pro quo* in the form of a service or benefit;

12. The petitions are opposed by the State by filing the Statement of Objections contending *inter alia*:

- (i) that the findings recorded in *Gurusiddappa's* case are of no avail, as this Court in the said case, did not dwell on the question of validity of Section 98-A;
- (ii) the concept of *quid pro quo* has undergone a total transformation. Further, environmental jurisprudence has also undergone a sea change. The levy under Section 98-A goes into a specific fund called 'Karnataka Forest Development Fund' as stipulated under Section 98-B and therefore, there is a direct nexus between the purpose and the object to be achieved. It has been held by the Apex Court that

it is not necessary to establish that those who pay the tax must receive direct or special benefit;

- (iii) the Net Present Value (NPV), which the assessee pays under the Forest Conservation Act, 1980, in proportion to the forest land diverted, is utilised for eco restoration activities, the benefits of which are enjoyed by the Society as a whole. The forest development fee fulfils the criteria of *quid pro quo* as the said fee shall be used for raising plantation for Protection, Conservation and Management of Forest and Wild Life; and other ancillary purposes;
- (iv) this Court in the case of *NMDC supra*, ought not to have relied upon the findings of a Co-ordinate Bench to declare that the levy is in the form of a 'tax' and not 'fee'. But, ought to have re-examined the entire issue keeping in view, the environmental jurisprudence especially with regard to the concept of *quid pro quo*.



13. Mr. S.K.Bagaria, learned Senior advocate for the State, arguing in support of the impugned amendment (Act 23 of 2016), made following submissions:

- (i) the judgment of the *Gurusiddappa* does not come in the way, inasmuch as, by the impugned amendment (Act 23 of 2016), what is sought to be charged is 'fee' and not 'tax';
- (ii) this Court, while allowing *NMDC supra*, has held;
  - firstly, that having regard to the context in the expression, 'a body' would mean an artificial person created by a legal authority. Therefore, the expression 'a body' cannot have a reference to an individual or a natural person;
  - secondly, placing reliance on *Gurusiddappa supra*, repelled the contention advanced on behalf of the State, that the forest development tax is in the nature of a fee, which could be imposed having regard to Entry 47 List III of the Constitution;
- (iii) the impugned amendment (Act 23 of 2016) has been brought in after curing the aforementioned aspects. The purpose of the amendment is to:

- (a) declare the meaning and purpose of the word 'a body notified by the State Government' occurring in Section 98-A;
  - (b) restate the nature of levy and declare that it is in the nature of fee; and
  - (c) validate collection of forest development tax or forest development fee from 2008 onwards.
- (iv) the levy under Section 98-A of the Forest Act, though earlier called as tax was always in the nature of fee, having all the ingredients of fee and the legislature has only re-stated the same;
- (v) the forest development fee is intended to augment the resources required for the State Government to carry out its duties as the custodian of natural resources in accordance with the doctrine of public trust. The funds required to achieve the objective of National Forest Policy are enormous, and a beginning in this direction has been made, out of the resources augmented by the collection of levy;

- (vi) after expansion of scope of Section 98-B(4) by the amendment Act, 2016, the levy collected under Section 98-A can be spent for raising of plantation, afforestation and management of wild life;
- (vii) that an examination of the Chapter I to XII of the Forest Act shows that the said Act is regulatory in nature. To impose a regulatory fee, there is no requirement of *quid pro quo*;
- (viii) that the entire field is not occupied by the MMDR Act. This Court has elaborately considered this aspect in the *NMDC* case, *supra* and held that tax and fee is not a subject matter dealt by the MMDR Act. Thus, the State legislature is not denuded of its power to impose levy either in the form of forest development tax or forest development fee having regard to Entry 54 List I of the Constitution and the MMDR Act;
- (ix) that the levy under the NPV and the compensatory afforestation charges and the forest development fee are mutually exclusive and there is no duplication;

- (x) the levy now sought to be imposed in the form of fee is not in the form of additional royalty, as the instant levy is on the disposal of forest produce (minerals);
- (xi) that the levy being a fee is not violative of article 286(1) of the Constitution; and
- (xii) that, irrespective of the amendment, the levy collected from August 16, 2008, is not admittedly paid by the lessees, but by the purchasers of the forest produce, who inturn would have passed on the burden to other processors and eventually to the consumers. Therefore, any refund of the same amounts to unjust enrichment, inasmuch as the burden of tax has been passed on to the purchaser.

14. We have carefully considered the submissions made by the learned senior advocates on behalf of the petitioners and Mr.S.K.Bagaria, learned senior advocate on behalf of the State.

15. This Court in the case of *NMDC supra*, has held that 'Forest development Tax' is a 'tax' leviable under Entry 54 List II and it is not a fee within the scope of Entry 47 of List III. FDT being in the nature of a sales tax, following the dictum of the Division Bench in *Gurusiddappa (supra)*, it is held that it is neither compensatory nor regulatory in nature. It is compulsory exaction and not a fee.

16. In the light of rival contentions, the point that falls for consideration is whether this is a case of an attempt by the State Government to annul the judgment of this Court in *NMDC* case.

17. It is settled that an earlier judicial decision can be rendered ineffective only by removing the legal basis in the un-amended act, on which such decision was founded.

18. In the statement of objects and reasons, in the instant case, it is stated as follows:-

*“7. In Guru Siddappa v State of Karnataka AIR 1981 Kar 216, the Division Bench of the Karnataka High Court had held that the Forest Development Tax (FDT) levied on the purchase price of forest produce was within the legislative competence of the State under Entry 54 of List-II and constitutionally valid. Although the unamended section 98A(1) refers to the levy of a tax, the impost is more in the nature of a fee. The amount collected by way of forest development tax is earmarked for development and regeneration of forest and does not go to the general revenue of the State to be spent for general public purpose. This is also made clear by section 98B of the Act which specifies that the Forest Development tax (FDT) and interest that is levied and collection under section 98A will form part of the Karnataka Forest Development Fund. The Forest Development Tax (FDT) and other amounts specified in section 98B(2), although credited to the Consolidated Fund of the State, is later appropriated and transferred to the aforesaid Karnataka Forest Development Fund.*

*8. In State of Maharashtra v Salvation Army AIR 1975 SC 846, the Supreme Court held that an impost which initially was in the nature of a fee would subsequently assume the characteristics of a tax. The converse is equally true. The decision of the Karnataka High Court was rendered in 1981 and Forest Development Tax (FDT) was treated as a tax coming within Entry 54 of List-II.*

*9. Since, the Forest Development Tax (FDT), as a fee, will be levied at the time of disposing by way of sale or otherwise of forest produce, the fee is being levied in exercise of powers of the State Legislature under Entry 66 of List-II of schedule VII of the constitutions. In Corporation of Calcutta v. Liberty Cinemas AIR 1965 SC 1107, Hon'ble Supreme Court held that the fee can also be under an enactment relatable to the imposition of a tax. In any event, the State Government has the authority to levy such fee under Entry 47, List III.*

#### **Validation:**

*10.1 The State Government has levied and collected more than Rupees 3500 crores as Forest Development Tax (FDT) after*

*the impugned notification was issued in 2008. All the petitioners in the above judgment conceded that they were disputing the levy only upto 2011. However, it is proposed to validate such collections both by the lease holders of mines and quarries situated in forest area and by the Monitoring Committee, from the purchasers of minerals till date. The Present Bill seeks to achieve the objects as mentioned above and also to provide for the validation of the levy and collection of Forest Development Tax (FDT). Clause 6 of the Bill, inter alia, provides that any demand and/or any action taken under the provisions of the Act as in existence prior to this amendment Bill shall be deemed to have taken or levied under the new law after the amendment. This will validate the demand made by deeming it to have been made under the amended law and thus protect the revenue of the State. This Bill thus cures the infirmity and removes the defect found in the existing provisions and makes adequate provisions in the validation clause for a valid imposition of the Forest Development Tax and Forest Development Fee.*

*10.2 The State Government proposes to recompute the Forest Development Fee as per prescribed rules or guidelines. If the demand as computed as per new rules or guidelines is lesser than the amount of Forest Development Fee demanded under the erstwhile section 98A or any notification issued thereunder, the lesser amount will be payable as Forest Development Fee.*

*10.3 A provision is also proposed to exempt or reduce Forest Development Tax (FDT) or Forest Development Fee by Government by notification prospectively or retrospectively in public interest by any specific clause of person or in respect of any specified forest produce.”*

*(Emphasis supplied)*

19. The specific case of the State Government, as discernable from the written submissions is, though, the levy under Section 98-A of the Forest Act was earlier called as ‘tax’



it has always been in the nature of 'fee'. It is also the specific case of the State that this contention was urged in the *NMDC* case, and the same was rejected.

20. It is relevant to note that Chapter XI-A was inserted by Act 15 of 1976 and it was deemed to have come into effect with effect from December 24, 1975.

21. Admittedly, *Gurusiddappa (supra)*, was decided in the year, 1981 holding that, the levy imposed under Section 98-A of the Forest Act was a 'tax'. Accepting this position, the State Government issued a Notification published in the official gazette on August 16, 2008, bringing the holders of mines and quarries situated in forest area under the ambit of Section 98-A of the Forest Act and requiring them to pay forest development tax. However, it is now sought to be contended on behalf of the State that, the State had always construed the levy as 'fee', but not 'tax'. The gazette notification dated August 16, 2008, reads as follows:-

“KA-BG-GPO/2515/WPP-47/2006-08

**KARNATAKA STATE GAZETTTE  
OFFICIALY PUBLISHED  
SPECIAL EDITION**

|               |                                                                                |        |
|---------------|--------------------------------------------------------------------------------|--------|
| Part-<br>IV-A | Bangalore, Wednesday, August 27,<br>2008 (Bhadrapada 5, Shaka Varsha,<br>1930) | No.937 |
|---------------|--------------------------------------------------------------------------------|--------|

**FOREST, ECOLOGY AND ENVIRONMENT SECRETARIAT  
NOTIFICATION**

*No.FEE 248 FDP 2006, Bangalore, Dated:16<sup>th</sup> August, 2008*

*In exercise of the powers conferred by Sub-section (1) of Section 98-A of the Karnataka Forest Act, 1963 (Karnataka Act No.5 of 1964), the Government of Karnataka hereby notifies the lease holder of mines and quarries situated in forest area for the purpose of the said sub-section.*

*This will come into effect from the date of its publication in the Official Gazette.*

*By order and in the name of Government of Karnataka,*

**VADAGAVE BAAVARAJ**  
*Under Secretary to Government,  
Forest, Ecology & Environment Department”*

22. A careful perusal of the above notification makes it clear, that the intention of the State was to bring the leaseholder of mines and quarries within the ambit of Section 98-A of the Forest Act. The Section 98-A, prior to amendment

contemplated levy of forest development 'tax'. This Court having quashed the Notification dated August 16, 2008 and consequential communications in the NMDC Case, the argument advanced on behalf of the State that their assumption of levy was always a fee, must fail.

23. This leads us to now examine the impugned amendment (Act 23 of 2016). The amended Section 98-A reads as follows:-

<sup>1</sup>[CHAPTER XI-A

FOREST DEVELOPMENT<sup>2</sup>[FEE]

**98-A. Levy of Forest Development<sup>3</sup>[fee].—(1)**  
*Notwithstanding anything contained in this Act, in respect of forest produce disposed of by the State Government<sup>4</sup>[or by a corporation, owned<sup>5</sup>[or controlled by the State Government] or a body notified by the State Government] by sale or otherwise, there shall be levied and paid to the State Government a<sup>6</sup>[fee] at the rate of<sup>7</sup>[twelve per cent] on the amount of consideration paid therefor:*

<sup>8</sup>[\*\*\*\*\*]:

<sup>1</sup>[\*\*\*\*\*]:

<sup>2</sup>[provided also that, in respect of minerals which is a forest produce the rate of Forest Development fee shall be twelve percent.]

<sup>3</sup>[**Explanation:** (1) For the removal of doubts, it is hereby declared that for the purposes of this sub-section, the words "a

*body notified by the State Government" shall mean and include all entities directly or indirectly engaged in disposing of forest produce found in, or brought from, a forest, as individuals or other entities including Hindu Undivided Family, Company or foreign Company, partnership firms, societies, cooperative societies, other bodies corporate, trusts, lease holders of mines and quarries situated in forest area or any other association or committee or person, whether or not such individuals or entities constituted*

TABLE

| Sl No | Forest produce                                                                           | When disposed of to                                                                                                                      |
|-------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| (1)   | (2)                                                                                      | (3)                                                                                                                                      |
| 1.    | Timber, Firewood, grass, Charcoal and Eucalyptus                                         | Industries                                                                                                                               |
| 2.    | Bamboo, reeds and canes                                                                  | Pulp and Paper Industries except Cottage Industries;                                                                                     |
| 3.    | Sandalwood                                                                               | (a) Sandalwood Oil, Factories; and<br>(b) Others, except;<br>(i) Artisans<br>(ii) Religious Institution; and<br>(iii) Cottage Industries |
| 4.    | Minor Forest produce as defined in the rule but not falling under Serial numbers 1 and 2 | Industries except Large scale Multipurpose Co-operative Societies (LAMPS)]".                                                             |

*themselves into a juristic entity and whether or not such individuals or entities collectively come together and act as a group or body.*

**Explanation:** (2) For the removal of doubts, it is hereby declared that for the purpose of this sub-section, the words, "or otherwise" includes disposal through captive consumption.

**Explanation:** (3) For the removal of doubts, it is hereby declared that Forest Development Fee shall be levied on the disposal of the forest produce irrespective of whether such forest produce is intended for sale inside or outside the State of Karnataka or for the purpose of export or for captive consumption.]

<sup>1</sup>[(1-A) Notwithstanding anything contained in sub-section (1), no <sup>2</sup>[fee] shall be payable to the State Government by a

corporation, owned or controlled by the State Government to the extent of <sup>3</sup>[fee] not levied and collected by it during the period from fourteenth day of February, 1978, till the commencement of the Karnataka Forest (Amendment) Act, 1988.]

<sup>4</sup>[(1-B) Notwithstanding anything contained in subsection(1), no fee shall be levied on the forest produce which is not found in or not brought from the forest except when it is disposed of by the State Government.

(1-C) Notwithstanding anything contained in subsection(1), no Forest Development Fee on forest produce shall be payable to the State Government, for which no demand was raised during the period from 16<sup>th</sup> August of 2008 till the commencement of the Karnataka Forest (Amendment) Act, 2015 (Karnataka Act 41 Of 2015); and

(1-D) The State Government may make rules regarding manner of Levy, computation and collection of Forest Development fee from a retrospective date.]

(2) The said <sup>5</sup>[fee] shall be collected along with such consideration.

(3) It is hereby declared that the said <sup>1</sup>[fee] shall be in addition to and not in lieu of any <sup>2</sup>[fee] payable in respect of such produce under any other law in force.

<sup>3</sup>[(4) There shall be levied and collected interest at the rate of eighteen percent per annum till the date of payment or recovery of all <sup>4</sup>[fee] dues.]

**98-B. Forest Development Fund.**—(1) There shall be constituted for the State of Karnataka a Fund called the Karnataka Forest Development Fund.

<sup>5</sup>[(2) The following shall form part of the Karnataka Forest Development Fund, namely:—

(a) the <sup>6</sup>[fee] <sup>7</sup>[and interest] levied and collected under section 98-A;

- (b) *the money recovered for raising compensatory plantation in lieu of the forest area made over for non-forestry purposes;*
- (c) *sandal surcharges collected for the development of sandalwood resources;*

*(2-A) The amounts referred to in sub-section (2) shall first be credited to the Consolidated Fund of the State and under appropriation duly made by law in this behalf, be entered in and transferred to the Karnataka Forest Development Fund.]*

*(3) Any amount transferred to the said fund under sub-section (2), shall be charged upon the Consolidated Fund of the State.*

<sup>8</sup>*[(4). The amount at credit of the said fund shall be expended only for one or more of the following purposes, namely:-*

- (a) raising of plantations in notified forest areas and such other purposes as are ancillary thereto namely soil and moisture conservation works in notified forest areas;*
- (b) consolidation of the boundaries of notified forest areas;*
- (c) acquisition of private areas for the consolidation of forests;*
- (d) construction and maintenance of forest housing in rural areas for frontline staff;*
- (e) training, capacity building, research and technology;*
- (f) sustaining Joint Forest Planning and Management activities and the Village Forest Committees/eco development committees;*
- (g) rehabilitation and resettlement of people from interior forest areas;*
- (h) such other activities relating to Forest development or management or wild life protection and management as may be notified by the State Government from time to time.]”*

24. If the amended provision is read in juxtaposition with the un-amended provision, it is noticed that the word 'tax' is substituted by the word 'fee'.

25. By explanation (1), all entities from individual to corporate companies have been included within the definition of 'a body notified by the State Government'.

By explanation (2), captive consumption has been brought within the definition 'otherwise'.

By explanation (3), any sale inside or outside the State of Karnataka or for the purpose of export or for captive consumption have also been brought within the ambit of this Section.

26. In *Gurusiddappa (supra)*, this Court has recorded as follows:-

*“34..... Applying those tests, it is not possible to accede to the contention urged for the petitioners that the levy under Section 98A of the Act is in the nature of fee. The levy under that section is not intended to cover the expenses for rendering service to any person or class of persons from whom the amount is collected. Similarly, the*



*levy is not in the nature of compensatory tax as found in the Automobile Transport's case. In the said case the tax levied by the Rajasthan State on motor vehicles carrying goods and passengers was challenged by the petitioners therein on the ground that it was violative of Article 301 of the Constitution which provides that trade, commerce and intercourse throughout the country shall be free from all restrictions. The contention was negatived by the Supreme Court holding that the tax was compensatory in nature in that it was meant to compensate the State in respect of the money required to be expended for construction and maintenance of roads and bridges which were being used by the petitioners and others for the purpose of trade, commerce and inter course. The levy under Section 98A of the Act in a compulsory exaction of money for public purpose and answers the description of tax. It is neither compensatory nor regulatory in nature. In any event, it is not shown how existence of quid pro quo is necessary to impart validity to the levy even if it is compensatory and/or regulatory in nature when the levy is a tax and not a fee. Hence, the third contention is devoid of any substances."*

*(Emphasis supplied)*

27. It is not the case of the State that *Gurusiddappa (supra)*, has not declared a correct position of law. Surprisingly, the State have taken a peculiar stand and sought to assail the judgment of this Court in *NMDC (supra)*, in these proceedings by contending thus in the Statement of objections:-

*"17. The contention of the petitioners that in the light of the judgments in Gurusiddappa and NMDC case, the character of levy pursuant to the impugned amendment cannot be held to be of a fee, that too with retrospective effect, is not sustainable as this*

*Honourable High Court, in the NMDC case ought not to have relied on the findings of its coordinate bench to declare that the levy is in the nature of a tax and not a fee and should have re-examined the entire issue in light of the facts mentioned in the above paras and should have taken into consideration inter alia the fact that Tax and Environmental jurisprudence, especially with regard to concept of quid pro quo, have undergone a total transformation in light of the recent decisions of Hon'ble Supreme Court. It is further submitted that the said levy, even before the impugned amendment, was in the nature of fee as it fulfilled all the criteria of a fee as enunciated by the Honourable Supreme Court, as explained in the above paras. The impugned amendment has only has restated the same. The same is evident from the Statement of Objects and reasons appended to the Bill which is appended herewith as **ANNEXURE RI.***

*(Emphasis supplied)*

28. Thus, even according to the State, the findings recorded and the decision rendered in *Gurusiddappa (supra)*, holds the field as on date. Therefore, it is reasonable to construe that, notwithstanding State's assumption, the levy imposed by the State, prior to amendment, cannot be anything but 'tax'.

29. No doubt, 'fee' can be imposed by the State in appropriate cases. But, we hasten to add that in the instant case, the forest produce involved is a mineral and the same is

governed by the provisions of the MMDR Act. Declaration contained in Section 2 of the MMDR Act, is unequivocal and reads as follows:-

***“2. Declaration as to the expediency of Union control.- It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation of mines and the development of minerals to the extent hereinafter provided.”***

30. It is also the specific case of the State that the levies under the NPV, compensatory afforestation fee, recovered under the Forest Conservation Act, 1980; and the fee now sought to be levied are exclusive and do not overlap each other. The written submission by the State and a comparative statement appended to it, reads as follows:-

**4. Levies (NPV, CA charges & FDF) mutually exclusive and no duplication**

*The contention of the petitioners that the mining lease holder is required to pay royalty under provisions of MMDR Act, NPV & CA charges towards CAMPA and Forest Development Fee (FDF) under KFA, 1963 which is nothing but duplication of levies, on the very same assessee in respect of the very same transaction, and meant to be utilised for the very same purpose, one by the Union and one by the State Government is a complete and patent anathema to our Constitution, is totally erroneous. Each of the levy is in principle and concept varied from one another. Under*

*no stretch of imagination can the differential levies be placed in the same bracket.*

*In this regard, the following chart of objective comparison of the above mentioned levies makes it amply clear that these levies are in no way duplication, as they are neither levied on the same assessee, nor on the same transaction or are meant to be utilised for the same purpose.*

*A. Following is the comparison of the levies of NPV/CA with Forest Development Fee (FDF):*

| <b>LEVY</b>                             | <b>Compensatory Afforestation Charge (CA)</b>                                   | <b>Net Present Value (NPV)</b>                                                                                                                                                     | <b>Forest Development Fee (FDF)</b>                                                                                                                                 | <b>Remarks</b>                                              |
|-----------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <b>Legal Competence</b>                 | Entry No. 47 read with Entry 20 of List III of Schedule VII of the Constitution | Entry No. 47 read with Entry 20 of List III of Schedule VII of the Constitution                                                                                                    | Entry 17 A of List III read with Entry 47 of List III of Schedule VII and or Entry 54 of List-II read with Entry 66 of List-II of Schedule VII of the Constitution. |                                                             |
| <b>Statute under which it is levied</b> | FC Act & EP Act                                                                 | FC Act & EP Act                                                                                                                                                                    | Karnataka Forest Act, 1963                                                                                                                                          |                                                             |
| <b>Specific objective of levy</b>       | Compensate the loss of forest cover due to diversion of forest land.            | Compensate for the ecological service lost due to diversion of forest land i.e. to get back, in the long run, benefits which are lost by diversion of forest land for non-forestry | For managing, improving, protecting and enhancing the forests and wildlife of the entire State of Karnataka as detailed in the Karnataka                            | Objective is distinctly different for all the three levies. |

|                                       |                                                                                                                                                   |                                                                                                                                                                                      |                                                                                                                                                                                                       |                                                                                                                                                                                                         |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                       |                                                                                                                                                   | <i>purposes.</i>                                                                                                                                                                     | <i>Forest (Amendment) Act 2015, wherein the existing Forest cover is enhanced through afforestation of degraded forest lands of Karnataka by raising forest plantations.</i>                          |                                                                                                                                                                                                         |
| <b>When is the Levy charged</b>       | <i>Levy is charged when there is diversion of forest land under FC Act</i>                                                                        | <i>Levy is charged when there is diversion of forest land under FC Act</i>                                                                                                           | <i>Levy is charged when there is disposal of forest produce.</i>                                                                                                                                      |                                                                                                                                                                                                         |
| <b>Levy used for what purpose</b>     | <i>For afforestation of proportionate forest/non forest land as stipulated by MOEF, GOI in lieu of the forest land diverted i.e, 280 sq. kms.</i> | <i>For activities to compensate the ecological services lost due to diversion of forest area. This is in proportion to area diverted for non- forestry purpose i.e, 280 sq. kms.</i> | <i>For managing, improving, protecting and enhancing the forests and wildlife of the entire State of Karnataka including afforestation in all the degraded forest areas of the State of Karnataka</i> | <i>The fee or charge so levied in the three instances are used for different purposes and are mutually exclusive</i>                                                                                    |
| <b>Levy is credited to which Fund</b> | <i>Compensatory Afforestation Fund and managed as per CAF Act, 2016.</i>                                                                          | <i>Compensatory Afforestation Fund and managed as per CAF Act, 2016.</i>                                                                                                             | <i>Karnataka Forest Development Fund (KFDF), which came into existence from 1976.</i>                                                                                                                 | <i>Compensatory Afforestation Fund receives funds collected from user agencies/lessees towards CA, ACA, PCA, NPV and all other amounts recovered from such agencies under the Forest (Conservation)</i> |

|                                                    |                                             |                                                                                                      |                                                                                                                                                                                                                                        |                                                                                                                                                                                             |
|----------------------------------------------------|---------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                    |                                             |                                                                                                      |                                                                                                                                                                                                                                        | Act, 1980.<br><br>KFDF receives funds collected from the Forest Development Fee and sandal surcharges collected for development of Sandalwood resource                                      |
| <b>Rate at which the levy is collected</b>         | Present rate is Rs.2.55 Lakh/ hectare basis | Present rate varies from Rs 4.38 Lakh /hectare to Rs 10.43 Lakh /hectare depending on the eco class. | Present rate is 12% on the amount of consideration.                                                                                                                                                                                    | While the CA and NPV charges are one time payments to be done while seeking approval under FC Act while FDF is to be collected and remitted every time there is disposal of forest produce. |
| <b>Levy collection is directly proportional to</b> | Hectares of land diverted                   | Hectares of land diverted                                                                            | Consideration collected for each disposal of forest produce.                                                                                                                                                                           |                                                                                                                                                                                             |
| <b>Responsibility to collect the levy</b>          | State Government                            | State Government                                                                                     | The State Government, Corporation owned or controlled by State Govt. and the body notified by State Government, who is disposing of the forest produce. The State Government has notified under 98A, the mining lease holders for this |                                                                                                                                                                                             |

|                                              |                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                            |                                                                                                                                                                          |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                              |                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                           | <i>purpose.</i>                                                                                                                                                                                            |                                                                                                                                                                          |
| <b>Who pays the levy</b>                     | <i>The User agency/lessee to which the forest land has been leased for a specific period under FC Act. It is a onetime payment.</i>                                                                                          | <i>The User agency/lessee to which the forest land has been leased for a specific period under FC Act. It is a onetime payment.</i>                                                                                                                                                                       | <i>The entity to which the forest produce is disposed of either through sale or otherwise, every time disposal of forest produce takes place.</i>                                                          | <i>The User agency/lessee has only been given the responsibility of collecting the levy from the entity to whom it is disposed and remit the same to the Government.</i> |
| <b>Status of implementation in Karnataka</b> | <i>MOEF, GOI has till date stipulated afforestation of approximately 24,673 ha of land as compensatory afforestation in lieu of the forest land diverted. Out of which approximately 22,425 ha has already been planted.</i> | <i>NPV is being utilized for carrying out various forestry activities including forest boundary consolidation, survey and demarcation of forest area, infrastructure development, natural assisted regeneration, Protection and Management of forests and Wild life etc in proportion to 280 sq. kms.</i> | <i>Till now approximately 3,88,899 Hectares of forest land in Karnataka has been afforested from 1977-78 till date under the Karnataka Forest Development Fund (KFDF) to which the FDF is credited to.</i> |                                                                                                                                                                          |

31. A careful perusal of the above shows that, in substance, the State Government envisages to enhance the forest by using the fee collected under the amended provision. It is significant to note that NPV and compensatory



afforestation charges are collected by the leaseholders to compensate, for the ecological loss and diversion of forest. Therefore, though the object of the State Government is laudable, we are afraid, the contention that there is no duplication is unsustainable.

32. Thus, the most important aspect, which remains for consideration is, whether at all, the State could have sought to rename 'tax' as 'fee' in Section 98-A by mere substitution without removing the base upon which there existed earlier judicial pronouncements.

33. Though, in reiteration, we may record that this Court in *Gurusiddappa (supra)*, has held that what was sought to be levied under the un-amended Section 98-A was a 'tax'.

34. Mr.S.K.Bagaria, heavily relied upon the statement of objects and reasons considered before enacting the

impugned amendment (Act 23 of 2016) and contended that this Court in *NMDC* case had quashed the Notification on the ground that the expression 'a body' would not include lease holders of mines. The basis of this finding has been removed by adding the explanation (1). But, the express finding recorded by this Court in paragraph 19(c) of *NMDC* case is as follows:

*“(c) Re: Point No.(iii).- It is held that FDT is a tax leviable under Entry 54 List II and it is not a ‘fee’ within the scope of Entry 47 List III. FDT being in the nature of a Sales Tax, following the dictum of the Division Bench in *Gurusiddappa*, it is held, it is neither compensatory nor regulatory in nature. It is compulsory extraction and not a fee.”*

*(Emphasis supplied)*

35. In the case of *D.Cawasji and Co., Mysore v. State of Mysore* and another reported in 1984 (Supp) SCC 490, relied upon by Mr.Uday Holla, it is held as follows:-

*“18. In the instant case, the State instead of remedying the defect or removing the lacuna has by the impugned amendment sought to raise the rate of tax from 6 ½ per cent to 45 per cent with retrospective effect from April 1, 1966 to avoid the liability of refunding the excess amount collected and has further purported to nullify the judgment and order passed by the High Court directing the refund of the excess amount illegally collected by providing that the levy at the higher rate of 45 per*

*cent will have retrospective effect from April 1, 1966. The judgment of the High Court declaring the levy of sales tax on excise duty, education cess and health cess to be bad become conclusive and is binding on the parties. It may or may not have been competent for the State Legislature to validly remove the lacuna and remedy the defect in the earlier levy by seeking to impose sales tax through any amendment on excise duty, education cess and health cess; but, in any event, the State Government has not purported to do so through the Amending Act. As a result of the judgment of the High Court declaring such levy illegal, the State became obliged to refund the excess amount wrongfully and illegally collected by virtue of the specific direction to that effect in the earlier judgment. It appears that the only object of enacting the amended provision is to nullify the effect of the judgment which became conclusive and binding on the parties to enable the State Government to retain the amount wrongfully and illegally collected as sales tax and this object has been sought to be achieved by the impugned amendment which does not even purport or seek to remedy or remove the defect and lacuna but merely raises the rate of duty from 6 ½ per cent to 45 per cent and further proceeds to nullify the judgment and order of the High Court. In our opinion, the enhancement of the rate of duty from 6 ½ per cent to 45 per cent with retrospective effect is in the facts and circumstances of the case clearly arbitrary and unreasonable. The defect or lacuna is not even sought to be remedied and the only justification for the steep rise in the rate of duty by the amended provision is to nullify the effect of the binding judgment. The vice of illegal collection in the absence of the removal of the illegality which led to the invalidation of the earlier assessments on the basis of illegal levy, continues to taint the earlier levy. In our opinion, this is not a proper ground for imposing the levy at the higher rate with retrospective effect.” .....*

*(Emphasis supplied)*

36. In the case on hand, though, it was strenuously contended on behalf of the State that the legal basis in the

un-amended Act, on which *NMDC* judgment was rendered, has been removed, a plain reading of the statement of objects and reasons extracted hereinabove, shows that State were conscious of the fact that, this Court in *Gurusiddappa*, held levy of tax, Constitutionally valid. However, as discernable from paragraph No.9 of the objects and reasons, the State proceeded to impose their assumption that 'tax' was in fact, 'fee' and imposed the levy all over again by re-christening it as 'fee'.

37. The view taken in the case of *D.Cawasji (supra)*, has been quoted with the approval by the Supreme Court of India in the case of *S.T.Sadiq v. State of Kerala and others* reported in (2015) 4 SCC 400 relied upon by Mr. D.L.N. Rao.

38. Further, it is also settled, that an 'explanation' to a statutory provision is added to explain the meaning and intendment of the Act. In the case of *M.P.Cement Manufacturers' Association v. State of M.P. and others*,

reported in (2004) 2 SCC 249 relied upon by Mr.D.L.N.Rao, the State therein, attempted to impose cess on the production of energy by adding an explanation. It was noticed that the charging Section permitted impost of cess on sale of power. However, the State sought to impose the cess on production by adding an explanation. The Supreme Court of India, held that the explanation cannot be read as changing the incident of levy by stating thus:

*“25. The expression used by the Explanation is “for the purpose of sub-section (2) of Section 3, the cess shall be levied on units of electrical energy sold or supplied”. Since the purpose of sub-section (2) of Section 3 continues to be a levy on production, the word “levied” in the context would at the highest mean “assessment” and not “imposition”. It is not the respondents' case that any new or additional or alternative cess was sought to be introduced by the Explanation. Thus despite the Explanation, the charge in Section 3(2) continues to be on the production of the electrical energy units and nothing else. The proviso to sub-section (2) of Section 3 continues to except electrical energy produced from the cess in certain cases. The Explanation, if it is read with the main provision, introduces certain contradictions and vagueness. A charging provision should be explicit, certain and clear in order to bind the subject. The outcome of the introduction of the Explanation to an otherwise unchanged Section 3(2) is a singularly ill-drawn provision. The 2003 amendment was obviously introduced for the purpose of rectifying the obvious error in Section 3(2), an object which cannot be achieved by introducing an Explanation since an Explanation cannot be read as changing or as interfering with the incidence of*

the levy. It is not for us, particularly when legislative clarity is required since the statutory provision imposes a tax, to untangle the legislative confusion.”

*(Emphasis supplied)*

39. If we apply the ratio of the above case, it is noticed that, in the case on hand, the incidence namely, the extraction of mineral, upon which, royalty is imposed under MMDR Act, remaining constant, imposition of levy by changing the name from ‘tax’ to ‘fee’ is impermissible. Thus, the mode in which the State has brought in the amendment is contrary to well established position of law.

40. So far as the argument with regard to validation is concerned, the same is, also, equally fallacious, in view of our finding, that the State has attempted imposition of levy, which has been held to be bad in law, by calling it with a different name.

41. The State having included Chapter XI-A in the year 1975 to impose ‘tax’ on forest produce, and the same

having remained on the statute book till July 27, 2016, nearly for a period of 35 years, after pronouncement of *Gurusiddappa (supra)*, their argument that the State were always under the assumption that the levy was a 'fee' and not a 'tax', is noted, only to be rejected.

42. Though, several authorities were cited on both sides, we have felt it unnecessary to advert to them, in view of our findings recorded *supra*.

43. In the result, these petitions must succeed. Accordingly, they are allowed and the impugned amendment (Act 23 of 2016) is declared *ultra-vires*, Constitution of India.

44. Writ petitioners have also sought for refund of forest development fees, that they were compelled to pay during pendency of these writ petitions.

45. Mr.S.K.Bagaria, learned Senior Advocate appearing on behalf of the State, at the end of his



submissions, prayed that in the event the stand of the State be not accepted by this Court, the Forest Development Fees, already collected and utilised for the betterment of the ecology, might not be directed to be refunded to the petitioners.

46. We are unable to accept such prayer of Mr. Bagaria. In the background of the clear pronouncements of *Gurusiddappa (supra)* and *NMDC (supra)*, the State ventured to introduce Forest Development Fees with retrospective effect without addressing the legal basis on which *NMDC (supra)* was rendered. Mostly, payments were made pursuant to interim orders passed by this Court or by the Supreme Court of India, from time to time. Consequently, all payments and acceptances were without prejudice to the rights and contentions of the writ petitioners in the pending writ petitions. We have held that the impugned amendment (Act 23 of 2016) is *ultra vires* Constitution of India. The levy was

collected by the State as 'tax' and the same has been declared illegal in *NMDC (supra)*. Therefore, the State shall have no authority to retain the levy collected by seeking to appropriate the same by virtue of the impugned amendment (Act 23 of 2016). We, therefore, direct the refund of the forest development fees already collected by the State.

47. We make no order as to costs.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

cp\*