

**SUPREME COURT OF INDIA**

State of Karnataka

Vs.

Asha Transports

C.A.No.3278 of 2008

(K.G. Balakrishnan CJI., R.V. Raveendran and Mukundakam Sharma JJ.)

02.05.2008

**ORDER**

1. Leave granted. Heard both sides.
2. The State has filed this appeal challenging the order of the Division Bench affirming the order of the learned Single Judge which permitted the respondent, pending consideration of the application for renewal of its mining lease, to lift the excavated material ore (said to have been excavated before the expiry of the lease period), by paying royalty.
3. The respondent filed I.A.No.2/2007 seeking leave to withdraw the writ petition itself by setting aside the order of the learned Single Judge and Division Bench in its favour, to avoid delay in consideration of its application for renewal. The learned counsel for the State opposed the said application.
4. Learned counsel for the respondent therefore submitted that he will not press I.A.2 and that the respondent has no objection for the appeal itself being allowed.
5. Accordingly, we reject I.A.2 and allow this appeal and set aside the judgment of the Division Bench as also the decision of the learned Single Judge permitting the respondent to lift the excavated material by paying royalty.