

WRIT OF PROHIBITION TO BE FILED BEFORE THE HIGH COURT (WRIT PETITION)

IN THE HIGH COURT OF JUDICATURE AT _____

_____ JURISDICTION

WRIT PETITION NO. _____ OF _____

In the matter of Articles 226 and 227 of
the Constitution of India;

And

In the matter of Articles 14, 19(1)(g), 265
and 300A of the Constitution of India;

And

In the matter of Maharashtra Land
Revenue Code, 1966;

And

In the matter of Indian Telegraph Act,
1885;

And



In the matter of Maharashtra Minor Mineral Extraction (Development & Regulation) Rules, 2013 and Maharashtra Minor Mineral Extraction (Development & Regulation) (Amendment) Rules 2015;

And

In the matter of illegal, arbitrary and unreasonable actions on the part of the _____ in issuing Demand Notice dated _____ for payment of royalty charges under Section 48 (7) of the Maharashtra Land Revenue Code, 1966.

_____,)
a Company incorporated)
under the provisions of Companies Act,)
1956/2013 having its registered office)
at _____,)
_____,)
_____)
through its authorized signatory)

Mr. _____) ... Petitioner

Versus

1. The State of _____)
through Revenue Department,)
_____)
(also through Government Pleader))
2. The Tehsildar,)
_____) ... Respondents

TO,

THE HON'BLE CHIEF JUSTICE

AND OTHER PUISNE JUDGES

OF THIS HON'BLE HIGH COURT

**THE HUMBLE PETITION OF THE
PETITIONER ABOVENAMED**

PARTIES

1. The Petitioner is a company registered under the provisions of the Companies Act 1956/2013, having its registered office at the address mentioned hereinabove and is, *inter alia*, engaged in the business of providing telecom services. The Petition has been filed through Mr. _____, the Authorized Signatory of the Petitioner and who is a Citizen of India and is authorized to file this Petition.

2. Respondent No. 1 is the State of Maharashtra and Respondent No. 2 is the Tehsildar, _____ having their respective addresses as mentioned in the cause title hereinabove. Respondent No. 2 is one of the revenue authorities under the Maharashtra Land Revenue Code, 1966 [**the Code**]. The Respondents are 'State' within the meaning of Article 12 of the Constitution of India and are amenable to the writ jurisdiction of this Hon'ble Court.

SUBJECT MATTER OF THE PETITION

3. By the present Petition under Articles 226 and 227 of the Constitution of India, the Petitioner is challenging the Demand Notice/Order dated _____ issued by Tehsildar, _____ (*being Respondent No. 2 herein*) wrongly purporting to impose royalty and penalty charges of Rs. _____ under Section 48 (7) of the Maharashtra Land Revenue Code, 1966 on the ground that the Petitioner's digging of soil for laying its optic fiber cable amounts to excavation of minor minerals. The Petitioner is further seeking a writ of prohibition or any other appropriate writ, order or direction from this Hon'ble Court prohibiting the Respondents from levying, demanding and/or recovering any royalty and penalty under the *Maharashtra Minor Mineral Extraction (Development & Regulation) Rules, 2013 and Amendment Rules 2015* in any manner in respect of the Petitioner's activities of laying cables on the ground that the said activity does not amount to extraction of minerals.

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PREVIEW