

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 31986 of 2011

State of Odisha

.....

Petitioner

Mr. P.P. Mohanty, AGA

Vs.

Government of India & Ors.

.....

Opposite parties

Mr. P.K. Parhi, ASGI

(O.Ps. 1 & 3)

Mr. Debasis Das, Advocate

(O.Ps.2 &5)

Mr. Aswini Patnaik, Advocate

(O.P. 4)

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

20.04.2022

Order No.

11

This matter is taken up through hybrid mode.

2. Heard Mr. P.P. Mohanty, learned Additional Government Advocate for the State-petitioner; Mr. P.K. Parhi, learned Assistant Solicitor General of India for opposite parties no.1& 3; Mr. D. Das, learned counsel for opposite parties no.2 & 5 and Mr. A. Patnaik, learned counsel for opposite party no.4.

3. Mr. P.P. Mohanty, learned Additional Government Advocate for the petitioner contended that in view of amendment to the provisions contained in Section 10-A(2)(c) of the Mines & Minerals (Development & Regulation) Act, 1957, the lease has lapsed. Even if the petitioner succeeds in the revision application itself, in view of promulgation of amended provision of Section-10-A(2)(c), nothing remains to be adjudicated. It is contended that in view of provisions contained in Section-10-A(2)(d) in cases where the right to obtain licence and lease has lapsed under

Clauses-(b) & (c), such areas shall be put up for auction as per the provisions of the Act and that has been incorporated by way of amendment dated 28.03.2021. But the said provision has not been challenged by the opposite parties before this Court. Even though vires of Section-10-A(2)(a) was challenged, the matter is pending before the supreme Court of India.

4. In view of above submission, the writ petition stands disposed of.

5. It is open to the opposite parties to take necessary steps for challenging the vires of Section 10-A(2)(a) of the Act before the Supreme Court of India.

Alok/Sukanta

