

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 839 of 2022

Hemanta Kumar Samal

.....

Petitioner

Mr. S. Mohanty, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

14.02.2022

Order No.

1

This matter is taken up through hybrid mode.

2. Heard Mr. S. Mohanty, learned counsel for the petitioner and learned Additional Government Advocate.

3. The case of the petitioner is that he was granted lease for excavation of mineral, which was subject to the petitioner furnishing an environmental clearance and it is submitted that due to coming into force the Orissa Minor Mineral Concession (Amendment) Rules, 2014, the quarry could not be operationalized for want of mining plan/environmental clearance.

4. The contentions of the learned counsel for the petitioner is that on 19.09.2015, the Revenue and Disaster Management Department, Government of

Odisha has directed to all the Collectors of the State to refund the bid amount to the auction purchasers, where the minor mineral sources have been auctioned afresh for the current year, after deducting royalty amount for the lifted quantity, if any. Learned counsel for the petitioner submits that the petitioner has already submitted representations vide Annexures-6 & 7 before opposite party no.5-Tahasildar, Koraput for refund of EMD and bid amount, but no order has been passed as yet.

5. Learned Additional Government Advocate appearing for the State-opposite parties does not dispute the fact that in terms of the order dated 19.09.2015, it would be the Tahasildar, Koraput to take a decision on the representations of the petitioner.

6. In view of the aforesaid, since the Government itself has issued direction on 19.09.2015, this Court is of the opinion that no useful purpose would be served by keeping the writ petition pending.

7. Having regard to the facts and circumstances of the case and without expressing any opinion on the merits of the claim of the petitioner, this Court disposes of the writ petition with the direction that the representation filed before the Tahasildar,

Koraput shall be considered and decided in accordance with law by a reasoned and speaking order as expeditiously as possible, preferably within a period of six weeks from the date of production/communication of a certified copy of this order along with photocopy of the representation.

8. Issue urgent certified copy as per rules.

Alok

.....
(**DR. B.R. SARANGI**)
JUDGE

.....
(**V. NARASINGH**)
JUDGE

