

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 6594 of 2015

Sambhudayal Khandelwal

Petitioner

Mr. N. Lenka, Advocate

Vs.

State of Odisha and others

Opposite parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

07.03.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. N. Lenka, learned counsel for the petitioner and Mr.P.P. Mohanty, learned Additional Government Advocate.

3. The petitioner has filed this writ petition seeking direction to opposite party no.4 to settle Mahulakarkachia stone quarry No.B, appears at Sl. No.2 of long term quarry lease notice No. 235 dated 18.02.2015 vide Annexure-3 in his favour.

4. It is contended that as per the terms and condition of the notice under Annexure-3, preference shall be given to those who were the auction-holder of the year 2014-15 as per the order passed by this Court in W.P.(C) No. 5754 of 2011. The quarry lease shall be granted in favour of the applicant who has quoted the highest rate of royalty.

5. Be that as it may, the petitioner seeks direction to settle the quarry, pursuant to the notice of the year 2015 under Annexure-3 in his favour. However the period of five years has already been over by efflux of time. Thus, this Court is not inclined to accede to the prayer made in this writ petition after a long lapse of period.

6. The writ petition is accordingly disposed of. However since it is contended that the petitioner has already deposited some amount, the petitioner is at liberty to approach the authority concerned for refund of the same on the basis of the terms and conditions of the notice, which shall be considered by the authority in accordance with law.

(DR. B.R. SARANGI)
JUDGE

Arun

(SAVITRI RATHO)
JUDGE

