

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 3690 of 2022

Batakrushna Nath

.....

Petitioners

Ms. S. Das, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. T.Patnaik, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. PANIGRAHI

ORDER

10.02.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Ms. S. Das, learned counsel for the petitioner and Mr. Tarun Patnaik, learned Additional Standing Counsel.
3. The petitioner has filed this writ petition seeking direction to the opposite parties to modify the approved mining plan in respect of Muraripur Mahanadi sand quarry since the sand of the said quarry is not up to the mark and low in quality.
4. Ms. S. Das, learned counsel for the petitioner contended that when the petitioner went to operate the sand source, it is found that the quality of the sand is not the same for which he has bided since in the meantime the same has been changed. Therefore, he requested the Tahasildar-opposite party no.5 vide Annexure-4 to modify the plan accordingly an inquiry was conducted by the opposite party no.5 and it was found that there is low quality of sand and that adequate sand is not available in the source. The petitioner therefore, made a prayer vide Annexure-8 before the Tahasildar to that extent, which is pending consideration by the authority.

5. Mr. Tarun Patnaik, learned Additional Standing Counsel contended that on the basis of the requisition made by the Tahasildar that the quality of the sand is not up to the mark, request was also made by the Collector, Cuttack to the Authorized Officer Sairat Sources of Cuttack district to take necessary action on the representation of the petitioner along with the joint enquiry report of Tahasildar and Geologist as per OMMC Rule 2016. Therefore necessary direction may be given to dispose of the representation of the petitioner vide Annexure-8, if the same is still pending.

6. Having heard learned counsel for the parties and after going through the record, this Court disposes of the writ petition directing opposite party no.5-Tahasildar, Narsinghpur to take a decision on the representation filed by the petitioner vide Annexure-8 dated 27.01.2022, taking into consideration the inquiry report under Annexures-5 and the letter of the Collector under Annexure-6, as expeditiously as possible, preferably within a period of six weeks from the date of communication of the certified copy of the order, if the same has not yet been disposed of.

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Arun

(S.K. PANIGRAHI)
JUDGE