

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 4081 of 2022

Sukanta Muduli

.....

Petitioner

Mr.Bibhu Prasad Das, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. P.K.Muduli, AGA

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 Mr. B.P. Das, learned counsel for the petitioner and Mr. P.K. Muduli, learned Additional Government Advocate for the State.
3. The petitioner files this writ petition seeking to quash the order dated 31.08.2021 passed in Sairat Case No. 06 of 2020-21 in respect of Girigaon Sand Quarry and to direct opposite party nos. 6, 7 and 8 to verify the genuineness of the Solvency Certificate issued in favour of opposite party no.5 from the office of opposite party no.6 in respect of the properties situated at Jajpur. The petitioner further seeks to direct the opposite parties to award the tender work pursuant to notice Inviting Tender bearing Advertisement No. 342 dated 29.01.2021, in favour of the petitioner.
4. Mr. B.P. Das, learned counsel for the petitioner contended that opposite party no.5 being the 2nd highest bidder has been allotted with the tender work, though he has got the Solvency Certificate from the office of opposite party no.6 in respect of the properties situated at Jajpur. To that extent the petitioner has already moved the authority by filing an objection under Annexure-11, which is required to be verified

by the authority, so that the authority can pass appropriate order in accordance with law.

5. Mr. P.K. Muduli, learned Additional Government Advocate contended that since the property put to auction is situated in the district of Keonjhar, the Sub Collector, Anandapur is the competent authority, who can cause an inquiry and pass appropriate order on the basis of the grievance of the petitioner vide Annexure-11.

6. Having heard learned counsel for the parties and after going through the record, this Court without expressing any opinion on the merits of the case, disposes of the writ petition, directing opposite party no.3-Sub Collector, Anandapur, to cause an inquiry and pass appropriate order considering the grievance made by the petitioner dated 03.01.2022 vide Annexure-11 to the writ petition within a period of six weeks from the date of communication of the certified copy of the order. Any further action to be taken pursuant to the order under Annexure-5 series shall be subject to the outcome of the order to be passed by the Sub Collector.

7. It is needless to mention here that, opposite party no.3 while conducting inquiry shall give opportunity of hearing to all the parties, who have participated in the auction and pass necessary order in accordance with law.

8. With the aforesaid observation/direction, the writ petition stands disposed of.

9. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(S.K. PANIGRAHI)
JUDGE