

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 7374 of 2020

M/s Gourav Construction

.....

Petitioner

Mr. P.C. Nayak, Adv.

Vs.

State of Odisha and others

.....

Opposite parties

Mr. T.K. Pattnaik, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

22.02.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. P.C. Nayak, learned counsel for the petitioner and Mr. T.K. Pattnaik, learned Addl. Government Advocate.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to refund the amount, which was deposited for allotment of temporary quarry permit along with the interest within a stipulated time.

4. Mr. P.C. Nayak, learned counsel for the petitioner contended that the Tahasildar, Dharmasala has already recommended the case of the petitioner to the Additional District Magistrate, Jajpur, vide order dated 16.03.2020 under Annexure-A/4 to the counter affidavit filed by opposite parties no.2 and 4 for refund of the amount deposited by the petitioner for allotment of temporary quarry permit. Therefore, direction may be given to the authority to consider the same taking into consideration the judgment of the apex Court in the case of ***Popatrao Vyankatrao Patil v. State of Maharastra***, 2020 SCC OnLine SC 291.

5. Mr. T.K. Pattnaik, learned Addl. Government Advocate, referring to the counter affidavit, contended that since recommendation has already been made by the Tahasildar, Dharmasala to the Additional District Magistrate, Jajpur, direction

may be given to the authority to consider the same within a stipulated time.

6. Having heard learned counsel for the parties and after going through the records, this writ petition stands disposed of directing the Additional District Magistrate, Jajpur to consider the case of the petitioner on the basis of the recommendation made by the Tahasildar, Dharmasala vide order dated 16.03.2020 under Annexure-A/4 to the counter affidavit, taking into consideration the judgment of the apex Court in the case of ***Popatrao Vyankatrao Patil*** mentioned supra, and pass appropriate order, as expeditiously as possible, preferably within a period of four months from the date of production of certified copy of this order.

Issue urgent certified copy as per rules.

Ashok

