

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 6886 of 2022

Amit Kumar Sahoo

.....

Petitioner

Mr. S.K. Dash, Adv.

Vs.

State of Odisha and another

.....

Opposite Parties

Mr. T.K. Pattnaik, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

15.03.2022

Order No.

1.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Dash, learned counsel for the petitioner and Mr. T.K. Pattnaik, learned Addl. Standing Counsel.

3. The petitioner has filed this writ petition seeking to quash the public auction notice dated 04.03.2022 under Annexure-3, and to issue direction to the opposite parties to permit him to continue the mining operation till the lease period is over, as per lease agreement dated 11.02.2021 under Annexure-1.

4. Mr. S.K. Dash, learned counsel for the petitioner contended that the lease was granted for a period of five years, pursuant to which the petitioner executed the agreement. But when the said agreement is subsisting, fresh tender has been issued by the authority vide Annexure-3. Therefore, the petitioner has approached this Court by filing the present writ petition.

5. Mr. T.K. Pattnaik, learned Addl. Standing Counsel brings to the notice of the Court that the petitioner has suppressed the material facts before this Court and contended that the petitioner had earlier approached this Court against such cancellation by filing W.P.(C) No. 1596 of 2022, which was disposed of vide order dated 27.01.2022, permitting the petitioner to prefer appeal before the appropriate forum. But instead of approaching the

appropriate forum by preferring appeal, the petitioner has again approached this Court by filing the present writ petition without disclosing the fact that he had earlier approached this Court by filing W.P.(C) No. 1596 of 2022, nor any certificate has been given in the cause title of the writ petition, which is required under law. Thereby, the writ petition should be dismissed with cost.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that for the selfsame cause of action, the petitioner had earlier approached this Court by filing W.P.(C) No. 1596 of 2022, which was disposed of vide order dated 27.01.2022, permitting the petitioner to prefer appeal before the appropriate forum in accordance with law. But, instead of doing so, the petitioner has again approached this Court by filing the present writ petition by suppressing the material facts. Since the petitioner has suppressed the material fact, this Court is not inclined to entertain this writ petition and, as such, the petitioner is directed to deposit a sum of Rs.5,000/- (rupees five thousand) in the Welfare Fund of Odisha High Court Bar Association for filing of such frivolous application before this Court and receipt thereof shall be furnished before this Court within a week hence.

7. The writ petition is accordingly dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok/Puspa

(SAVITRI RATHO)
JUDGE