

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 7638 of 2022

Khageswar Naik & Ors.

.....

Petitioners

Mr.A.K. Tarai, Advocate

Vs.

State of Odisha & Others

.....

Opposite parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

06.04.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. A.K. Tarai, learned counsel for the petitioners and Mr. P.P. Mohanty, learned Additional Government Advocate.

3. The petitioners have filed this writ petition seeking direction to the opposite parties to consider their representation before the agreement is signed and executed between the parties for operation of Kholamunda stone quarry.

4. Mr. A.K. Tarai, learned counsel for the petitioners contended that the petitioners have already approached the Collector, Anugul by filing a representation for cancellation of lease of the stone quarry in terms of Odisha Minor Minerals Concessions Rules, 2016, but the same has not been attended to.

5. Mr. P.P. Mohanty, learned Additional Government Advocate stated that against the order of Tahasildar, Pallahara for grant of lease of stone quarry, the petitioners have to approach the Sub-Collector as per Rule-48 of the OMMC Rules, 2016. Instead of approaching the Sub-Collector, the petitioners have approached the Collector, Angul, which is not permissible under law.

6. Considering the contentions raised by learned counsel for

the parties and after going through the records, this Court disposes of the writ petition permitting the petitioners to approach the Sub-Collector, Angul against the decision of the Tahasildar, Pallahara for illegal grant of lease of stone quarry. Needless to say, while considering the grievance of the petitioners, the Sub-Collector shall give opportunity of hearing to all the parties.

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Alok/Sukanta

