

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7750 of 2022

Jani Venkat Rao Bauri

.....

Petitioner

Mr. B.P. Pradhan, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

28.03.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. B.P. Pradhan, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate.

3. The petitioner has filed this writ petition challenging the order dated 11.02.2022 vide Annexure-18 passed by Opposite Party No.3-Collector, Rayagada, by which his prayer for extension of the lease period has been rejected on the plea that he has already extracted 32,366 cum of minor mineral (sand) from the leased out area over and above the allowed quantity.

4. Mr. B.P. Pradhan, learned counsel for the petitioner fairly contended that now Government has issued a fresh tender call notice and therefore, the petitioner may be permitted to participate in the tender process itself.

5. Mr. P.P. Mohanty, learned Additional Government Advocate contended that if the fresh tender call notice has already been issued, it is open to the petitioner to participate

in the said auction in accordance with law.

6. Having heard learned counsel for the parties and after going through the records, this Court does not express any opinion with regard to participation of the petitioner in the auction pursuant to the fresh notice issued by the Government. So far as the claim of the petitioner for refund of money is concerned, it is open to him to pursue his remedy in terms of the agreement executed between the parties before the appropriate forum in accordance with law.

7. With the aforesaid liberty, the writ petition stands disposed of.

Issue urgent certified copy as per rules.

Alok/Puspa

