

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 7754 of 2022

Bijay Kumar Sahoo

.....

Petitioner

Mr. S.R. Mohanty, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

28.03.2022

Order No.

1

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. The Petitioner has prayed for a direction to the Opposite Parties to act as per Rule 8 (3A) of Odisha Minor Mineral Concession Rules, 2016 in settling the Badanagena Sand Quarry under the jurisdiction of Tahasildar, Dhenkanal and permit him to exercise his right of first refusal at the time of settling of the Badanagena Sand Quarry under Annexure-4.

4. Learned Additional Government Advocate for the State- Opposite Parties points out that under Rule 8 (3A) of the OMMC Rules, the present Petitioner would have the right of first refusal as and when the auction is held for the lease hereafter, subject to the Petitioner first showing that the mineral is required for captive use.

5. With the above clarification, the only direction that is required to be issued by this Court is that whenever an auction is hereafter held, the requirement of Rule 8 (3A) of the

OMMC Rules vis-à-vis, the Petitioner shall be ensured by the authorities.

6. The writ petition is disposed of in the above terms.
Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE