

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 8859 of 2022

***Raja Kishore Mishra***

.....

***Petitioner***

*Ms.K.R. Choudhury, Adv.*

Vs.

***State of Orissa and Others***

.....

***Opposite parties***

*Mr. P.P. Mohanty, A.G.A.*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**MISS JUSTICE SAVITRI RATHO**

**ORDER**

**08.04.2022**

**Order No.**

01.

This matter is taken up through hybrid mode.

2. Heard Ms. K.R. Choudhury, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Addl. Government Advocate for the State.
3. The petitioner has filed this writ petition seeking direction to the opposite parties to refund the excess amount of govt. dues deposited by the petitioner w.r.t. “Salaba Baitarani River Sand Quarry” vide Sairat Case Record bearing No.03 of 2019-20 and not to take any coercive action against the petitioner during pendency of the writ petition
4. Ms. K.R. Choudhury, learned counsel for the petitioner contended that the petitioner was granted the quarry for a period of five year, but the lease deed was executed for one year. He and deposited the required amount, which was in excess. Therefore, the petitioner claims that the excess amount either to be adjusted for the second year of the lease period or refunded the said amount, so that he can deposit the same for the second year of

lease granted in his favour.

5. Mr. P.P. Mohanty, learned Addl. Government Advocate for the State contended that whatever statutory dues is admissible to be paid by the holder of the lease itself, the authority to decide the same and as such, it cannot be adjudicated in the writ petition.

6. Having heard learned counsel for the parties and after going through the records, this Court is of the considered view that whether the petitioner has paid the excess amount or removed extra sand from the quarry that itself within the domain of the authority. As such, this Court has no jurisdiction to consider the same. However, it is open to the petitioner to pursue his remedy before the appropriate forum.

7. With the above observation, the writ petition stands disposed of.

Issue urgent certified copy as per rules.

**(DR. B.R. SARANGI)**  
**JUDGE**

**(SAVITRI RATHO)**  
**JUDGE**

*Alok/Sukanta*