

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12020 of 2022

Kirti Kumar Chawda

.....

Petitioner

Mr. S. Tibrewal, Advocate

Vs.

Union of India & Ors.

.....

Opposite parties

Mr. P.K. Parhi, ASGI

(O.P.1)

Mr. P.P. Mohanty, AGA

(O.Ps.2-7)

CORAM:

DR. JUSTICE B.R. SARANGI

Mr. JUSTICE S. K. MISHRA

ORDER

22.06.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S Tibrewal, learned counsel for the petitioner.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to renew the mining lease pertaining to Baitarani RF Block-B mines and allow him to lease out the mining area in respect of the said mines and fix up the rent for the said mining areas as per the Government Rules and Regulations with further direction that the unutilized period may not be a bar for the renewal of lease/settling the lease in his favour.

4. Mr. S Tibrewal, learned counsel for the petitioner contended that the lease was granted in favour of the grandfather of the petitioner on 19.08.1960 vide Annexure-2 for a period of 20 years. Due to illness of his grandfather, renewal application was not filed within the time specified before expire of the lease period. Thereby, he filed several representations before opposite party no.1 seeking renewal of licence by condoning the delay, but he did not get any response

to it. Therefore, he has approached this Court by filing this writ petition.

5. Mr. P.P. Mohanty, learned Additional Government Advocate contended that the grandfather of the petitioner did not file renewal application in time. Therefore, the question of renewal of licence does not arise at a belated stage as the lease period has already expired since 1980. In the meantime, law has been changed as it elapsed under Section 10(2)(A) of the MMDR Act. In view of such position, the relief sought by the petitioner cannot be granted.

6. Having heard learned counsel for the parties and after going through the records, it appears that admittedly the lease pertaining to Baitarani RF Block-B mines was granted in favour of the grandfather of the petitioner on 19.08.1960 for a period of 20 years. The said period has expired since 1980. The reason best known to the lessee for not filing the application for renewal of licence immediately thereafter. But after long lapse of 30 years, the petitioner filed an application for renewal of licence with condonation of delay. Such application cannot be considered at a belated stage. In any case, the application of the petitioner cannot be considered in view of amendment to Section-10(2)(A) of the MMDR Act.

7. Therefore, this Court does not find any merit in the writ petition. Accordingly, the same is dismissed.

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(DR. B.R. SARANGI)
JUDGE

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(S. K. MISHRA)
JUDGE