

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13655 of 2022

*M/s R.V. Enterprisers Pvt. Ltd.,
Bhubaneswar*

.....

Petitioner

Mr. S. Das, Adv.

Vs.

State of Orissa and another

.....

Opposite Parties

Mr. T. Pattnaik, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. MISHRA

ORDER

24.06.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Das, learned counsel for the petitioner and Mr. T. Pattnaik, learned Addl. Standing Counsel for the State-opposite parties.

3. The petitioner has filed this writ petition seeking direction to opposite parties to take a decision on its application at Annexure-5 filed under Section 4A (4) of MMDR Act, 1957 read with Rule-28 of Mineral Concession Rules, 1960, within a stipulated time.

4. Mr. S. Das, learned counsel for the petitioner contended that mining lease for lime stone and dolomite over an area of 64.993 hectares in village Badaskuchulu of Sudargarh district was executed on 10.12.2014 and was registered on 11.12.2014 for a period of 20 years in favour of the petitioner for the period from 11.12.2014 to 10.12.2034. Pursuant to agreement executed, the petitioner applied for necessary permission, such as, environment clearance and grant of surface right etc. Although necessary and appropriate steps were taken in time by the lessee, but there was delay in getting clearance from the opposite party-authority, which

was beyond the control of the lessee. Therefore, highlighting its grievances the petitioner moved opposite party no.1 vide Annexure-5 for grant of non-working permission for lime stone and dolomite mines, which is still pending consideration.

5. Mr. T. Pattnaik, learned Addl. Standing Counsel for the State-opposite parties contended that if the grievance of the petitioner is pending before the opposite party no.1, let the said authority consider the same and pass appropriate order in accordance with law.

6. Having heard learned counsel for the parties and after going through the records, but, however, without expressing any opinion on the merits of the case, with the consent of learned counsel for the parties, this writ petition stands disposed of directing opposite party no.1 to consider the grievance made by the petitioner at Annexure-5 for grant of non-working permission for lime stone and dolomite mine over 64.99 hect. or 160.60 acres in village Badakuchulu under sadar Sub-division, Tahasil-Biramitrapur of Sudargarh district, and pass appropriate order in accordance with law within a period of three months from the date of production of certified copy of this order.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE