

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 614 of 2017

Rajashree Basu

.....

Petitioner

Mr. P. Panda, Advocate

Vs.

Union of India & Ors.

.....

Opposite Parties

Mr.P.K. Parhi, ASGI (O.Ps.1 to 3)

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

04.07.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Mr. P.P. Mohanty, learned Additional Government Advocate contended that in view of amendment to the provisions contained in Section 10-A(2)(c) of the Mines & Minerals (Development & Regulation) Act, 1957, the lease has lapsed. Even if the petitioner succeeds in the Revision Application itself, in view of promulgation of amended provision of Section-10-A(2)(c), nothing remains to be adjudicated. It is contended that in view of provisions contained in Section-10-A(2)(d) in cases where the right to obtain license and lease has lapsed under Clauses-(b) & (c), such areas shall be put up for auction as per the provisions of the Act and that has been incorporated by way of amendment dated 28.03.2021. But the said provision has not been challenged before this Court. Even though vires of Section-10-A(2)(a) was challenged, the matter is pending before the Supreme Court of India.
3. In view of above submission, the writ petition stands disposed of.

4. It is open to the Parties to take necessary steps for challenging the vires of Section 10-A(2)(a) of the Act before the Supreme Court of India.

(DR. B.R. SARANGI)
JUDGE

Arun/Banita

(S.K. MISHRA)
JUDGE

