

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 19097 of 2022

Urmila Bhuyan

.....

Petitioner

Mr. Gokulananda Padhi, Advocate

Vs.

State of Odisha & Anr.

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

22.08.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. G. Padhi, learned counsel appearing for the petitioner.
3. Earlier, the Petitioner had approached this Court by filing W.P.(C) No.19337 of 2021, which was dismissed being devoid of merit. For the self-same cause of action, the present writ petition is not maintainable, being hit by principle of resjudicata. The petitioner has filed this writ petition seeking direction to opposite parties no.1 & 2 to specify the ultra vires cript in Rule-27(iv) with regard to word “offered” for clarification in Orissa Minor and Mineral Concession Rules, 2016 as to offered by the advertisement of notice or by the participant/petitioner.
4. In course of hearing, this Court called upon learned counsel appearing for the petitioner to satisfy as to under what ground a

rule is declared to be ultra vires. As such, he has not pleaded any such ground in the writ petition save and except pleading in paragraph-17 that the petitioner in this writ petition challenges the ultra vires as to the non-application of mind regarding the clearance of word “offered” in Rule-27(iv) which violates Article 14 of the constitution of India and also affects the rights of the bidders. Learned counsel for the petitioner is unable to satisfy this Court with regard to what rule he intends to declare as ultra vires and, more so, he has not stated anything under what ground the rule can be declared as ultra vires.

5. Therefore, this Court is not inclined to entertain this writ petition. Accordingly, the same is dismissed.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Alok/Subha