

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.19326 Of 2022
(Through hybrid mode)**

***M/s. Jay Mata De Minerals, Petitioner
Mayurbhanj***

Mr. Gyaneswar Satpathy, Advocate

-versus-

State of Odisha and others Opposite Parties

Mr. Sukumar Ghosh, AGA

CORAM: JUSTICE ARINDAM SINHA

**ORDER
04.08.2022**

**Order
No.**

1. Mr. Satpathy, learned advocate appears on behalf of petitioner and submits, his client is duly operating stone crusher unit situate 4.92 kilometer away from Similipal Eco Sensitive Zone (ESZ). He draws attention to consent order dated 6th April, 2021 issued by State Pollution Control Board granting consent in respect of the unit, valid upto 31st March, 2026.
2. He submits, impugned is memo dated 22nd July, 2022 issued by Tahasildar, Bangripasi, whereby threat of sealing the crusher unit was held out.
3. Mr. Ghosh, learned advocate, Additional Government Advocate appears on behalf of State.

4. Text of impugned memo is reproduced below.

“Where as the Jay Mata De Mineral a crusher unit is situated in Mouza-Chaulagheri which coming under 4.92 Kms from the Similipal ESZ which violates the Rules & procedures of Similipal Wild Life Sanctuary.

Where as a WP(C) No.34408 of 2021 filed before Hon'ble Court Odisha Cuttack on 11.10.2021, required Compliance & Counter has already been submitted and in the meantime more than Ten months have already been passed but no final judgment came out.

Therefore, you are requested to intimate to the undersigned within 7(Seven) days regarding, Final outcome of the said WP(C) or else the Crusher Unit will be sealed in order to avoid any future complications.”

Though the memo alleges violation of rules and procedures of Similipal Wild Life Sanctuary but threat to seal the unit is based on requisition of submitting final outcome of WPC no.34408 of 2021. On query from Court Mr. Satapathy submits, the writ petition is pending before another Single Bench of this Court.

5. Petitioner can in no way comply with the requisition. Adjudication of the writ petition may require participation of , inter alia, petitioner but final outcome will be on order/judgment of the Court. This Bench is satisfied that petitioner's stone crusher unit is running with consent of the Pollution Control Board.

6. Impugned memo is set aside and quashed.
7. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks

