

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 19901 of 2022

Purna Chandra Patra

.....

Petitioner

Mr. R.K. Rout, Adv.

Vs.

State of Orissa and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

01.11.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. R.K. Rout, learned counsel appearing for the petitioner and Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking to quash the order dated 10.06.2022 under Annexure-8 cancelling the lease granted in respect of Badakharmanga (West) Devi River sand sairat source vide Case No.15/2020-21 for a period of five years from 2020-21 to 2024-25.

4. Mr. R.K. Rout, learned counsel appearing for the petitioner contended that since the source was washed away, the petitioner requested the authority to give another plot, which was not provided to him. But now the authority cancelled the same vide Annexure-8. Therefore, the petitioner has approached this Court by filing the present writ petition.

5. Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the State-opposite parties vehemently contended that the tender was for a period of five years, i.e., from 2020-21 to 2024-25. Even though the petitioner was selected, he has not executed the lease well within the time stipulated. More so, the

petitioner claims that there should be change of site, which is not permissible under law. It is stated that since the petitioner could not execute the lease deed, the order impugned has been passed under Annexure-8 dated 10.06.2022 cancelling the source which was granted in favour of the petitioner. Thereby, no illegality or irregularity has been committed by the authority.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that pursuant to the advertisement, the petitioner participated in the process of bid and having become successful, he was called upon to deposit the statutory deposits. Though the petitioner deposited the part of statutory deposits, but did not execute the lease. Subsequently, the source was washed away due to flood and, therefore, the petitioner requested the authority vide Annexure-7 to give another site, which was not considered, in view of the provisions contained under sub-rule (13) of Rule-27 and sub-rule (3) of Rule-43 of OMMC Rules, 2016 and Amendment Rules, 2022 that there is no provision for change of site. Even though the petitioner deposited part of the statutory deposit, but not executed any lease deed for a period of three years, that caused financial loss to the Government. As a consequence thereof, the order impugned dated 10.06.2022 has been passed by the authority under Annexure-8 cancelling the sand sairat forfeiting the amount deposited by the petitioner. Needless to say, the petitioner has not operated the quarry by executing the lease deed and if at all he has deposited part of the statutory amount, he may pursue the remedy before the appropriate forum in terms of the tender document so that the same can be considered by the authority in accordance with law.

As such, this Court is not inclined to entertain this writ petition.

7. Accordingly, the writ petition stands dismissed.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Ashok/Sangita

