

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 20743 of 2022

Mahesh Prasad Mishra

.....

Petitioner

Ms. P. Rath, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

09.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Ms. P. Rath, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Addl. Government Advocate for the State-Opposite Parties.

3. Though the petitioner has filed this writ petition seeking to quash the orders at Annexures-1, 2 and 3 and to allow him to operate the Kumardeipur sand quarry for a further period till the residue quantity of 1,01,000 cum is lifted, but at the same time seeks direction to refund the excess amount of Rs.21,35,306/- to him along with interest.

4. Ms. P. Rath, learned counsel for the petitioner contended that the petitioner may be permitted to approach the authority for refund of the excess amount, as claimed in the writ petition.

5. Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the State-Opposite Parties contended that refund of excess amount cannot be adjudicated in the present writ petition. If the petitioner claims for refund of such benefit, he may approach the authority concerned in terms of the DTCN/Agreement, which is applicable to him.

6. Having heard learned counsel for the parties and after going through the records, this Court is not inclined to accept the

alternative prayer for issuing any direction with regard to refund of the excess amount to the petitioner. However, liberty is granted to petitioner to pursue his remedy before the appropriate forum in terms of the DTCN/Agreement, which is applicable to him in accordance with law.

7. With the aforesaid liberty, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Ashok/Subha

