

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.23032 of 2022

***M/s. P.K. Minerals Private Limited,
Keonjhar***

.....

Petitioner

Mr. S.K. Dash, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, A.G.A.(O.Ps.1-3)

Mr. U.C. Behura, Adv.(O.P.4)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

19.09.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Dash, learned counsel for the petitioner; Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties nos.1 to 3 and Mr. U.C. Behura, learned counsel for the opposite party no.4.

3. The petitioner has filed this writ petition seeking direction to opposite party no.2-Sub-Collector, Keonjhar to hear the appeal preferred by the petitioner under Rule-46(1) of OMMC Rules, 2016 in the prescribed format.

4. The sole assertion has been made by the petitioner before this Court that if the petitioner produced the appeal memo before the appellate authority, the same has not been entertained and, as such, the Tahasildar, Banspal has proceeded with the matter by allotting the stone quarry in favour of opposite party no.4.

5. Therefore, this Court, vide order dated 07.09.2022, directed learned counsel for the State opposite parties to obtain instructions as to why the Sub-Collector, Keonjhar has not entertained the

appeal. In compliance of the said order, Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties produces written instructions before this Court, wherein it has been stated that on 29.08.2022, when the appeal petition was filed, the appellate authority-Sub-Collector, Keonjhar scrutinized at his level and noticed certain defects. Accordingly, he directed the petitioner to remove the defects. Accordingly, the petitioner complied with the defects in his appeal petition on 02.09.2022. Thereafter, the appeal case was instituted vide OMMC Appeal Case No.33 of 2022 on 02.09.2022 under Section-46(1) of the OMMC Rules, 2016. Then the said appeal was posted to 15.09.2022 for hearing. On that day, opposite party no.4 sought time and accordingly, the matter has been posted to 22.09.2022.

6. In view of the above affidavit, the Sub-Collector, Keonjhar has entertained the appeal and it has been posted to 22.09.2022 for appearance of the parties, the allegation made by learned counsel for the petitioner is not absolutely correct. Thereby, this Court is refraining from passing any order on that score. However, this Court directs the Sub-Collector, Keonjhar to decide the appeal after giving opportunity of hearing to the parties.

7. With the above observation and direction, the writ petition stands disposed of.

8 Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

