

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 26751 of 2022

Sarat Kumar Pradhan

.....

Petitioner

Mr. B.R. Tripathy, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Rath, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

02.11.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. B.R. Tripathy, learned counsel for the petitioner and Mr. S. Rath, learned Additional Standing Counsel appearing for the State-Opposite parties.

3. The petitioner has filed this writ petition challenging the notice issued by the Tahasildar, Boudh under Annexure-2 dated 19.09.2022 cancelling the bid of the petitioner, who was the 1st highest bidder of Marjadapur Sand Bed, as he had illegally stocked sand at Tutusinga and the Tahasil squad Team had conducted raid of the same and imposed penalty of Rs.35,00,000/- and he deposited Rs.20,00,000/- and balance of Rs.15,00,000/- was deposited. Therefore, even though he was a highest bidder, the bid was cancelled.

4. Mr. S. Rath, learned Additional Standing Counsel appearing for the State-Opposite parties contended that since Rs.35,00,000/- was imposed as penalty on the petitioner and he had deposited only Rs.20,00,000/- and there was outstanding of Rs.15,00,000/-, even though he was the highest bidder, his bid was cancelled in respect of Marjadapur sand bed.

5. Having heard learned counsel for the parties and after going through the records, it appears that a demand of Rs.35,00,000/- was raised for illegal stock of sand at Tutusinga and out of which, the petitioner had deposited Rs.20,00,000/- and balance amount of

Rs.15,00,000/- was outstanding, therefore, even though the petitioner was the highest bidder in respect of Marjadapur sand bed, the same was not allotted in his favour.

6. In course of hearing, learned counsel for the petitioner contended that the petitioner may be permitted to move before the Tahasildar, Boudh pointing out that he is not liable to pay the amount demanded by the authority even though he has paid Rs.20,00,000/- in the meantime.

7. In that view of the matter, this Court, without expressing any opinion on the merits of the case, disposes of the writ petition permitting the petitioner to pursue his remedy before the appropriate forum.

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Alok/Subhasmita

