

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32845 of 2021

Jitendra Nath Patnaik

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Petitioner

Mr. U.C. Patnaik, Advocate

Vs.

Union of India & Ors.

.....

Opposite parties

*Mr. P. Mohanty, AGA
(O.P.3)*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. PANIGRAHI

ORDER

03.01.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. U.C. Patnaik, learned counsel for the petitioner and Mr. P. Mohanty, learned Additional Government Advocate for the State.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to convey approval for grant of mining lease over an area of Ac.52.000 hectares in village Kadkala No.40 under Sadar Sub-Division of Keonjhar district for iron and manganese ore in favour of the petitioner and execute the mining lease in respect of the grant area in favour of the petitioner within a stipulated period.

4. Mr. U.C. Mohanty, learned counsel for the petitioner contended that the petitioner was granted mining lease pursuant to Annexure-1 dated 25.06.2001 and thereafter, no follow up action has been taken. Therefore, the petitioner has approached this Court by filing this writ petition seeking direction to the opposite parties for approval of the mining lease in his favour.

5. Mr. P. Mohanty, learned Additional Government Advocate for the State contended that in view of proviso to Section 10A (2) (b) (i) proviso to the Mines and Minerals (Development & Regulation) Amendment Act, 2021, the claim of the petitioner cannot be permissible.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that the Mines and Minerals (Development & Regulation) Act has undergone amendment in 2021 called the Mines and Minerals (Development & Regulation) Amendment Act, 2021, which has been notified in the official gazette on 28.03.2021, wherein proviso to Section 10A (2) (b) (i) reads as follows:

“Provided that for the cases covered under this clause including the pending cases, the right to obtain a prospecting licence followed by a mining lease or a mining lease, as the case may be, shall lapse on the date of commencement of

the Mines and Minerals (Development and Regulation) Amendment Act, 2021:

Provided further that the holder of a reconnaissance permit or prospecting licence whose rights lapsed under the first proviso, shall be reimbursed the expenditure incurred towards reconnaissance or prospecting operations in such manner as may be prescribed by the Central Government.”

7. In view of aforementioned provisions, it is made clear that for the cases covered under this clause, including the pending cases, the right to obtain a prospecting licence followed by a mining lease or a mining lease, as the case may be, shall lapse on the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, that means from the date it has been published in the official gazette. In that view of the matter, this Court is not inclined to issue any direction in view of proviso to Section 10A (2)(b) (i) of the Act. Therefore, the writ petition stands disposed of.

Issue urgent certified copy as per rules.

Alok

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(**DR. B.R. SARANGI**)
JUDGE

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(**S.K. PANIGRAHI**)

JUDGE