

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 25197 of 2019

Ratnakar Swain

.....

Petitioner

Mr.P.K.Mishra, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P.Mohanty, AGA

Mr. S.P.Mohanty, Adv.

(O.P.5)

Mr. P.Behera, Adv.

(O.P.6)

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

11.04.2022

Order No.

07.

This matter is taken up through hybrid mode.

2. In compliance of the order dated 05.04.2022, Mr. Abdaal M. Akhtar, Collector, Koraput (opposite party no.2), appears in person in Court and files counter affidavit. Mr. P.K.Behera, learned counsel for the opp. party No.6 also files counter affidavit. The same be kept on record.

3. The sole question for consideration of this Court is that once NOC has been granted in favour of Ratnakar Swain for installation of stone crusher in the name and style Maa Gayatri Stone Crusher at plot No.2 of Khata no.32 of Mouza-Ranikona over an area of Ac.1.75 out of Ac.4.75 under Semeliguda Tahsil, and thereafter the same was cancelled vide order dated 12.07.2017 under Annexure-7 but the Collector has granted NOC for installation of stone crusher unit in favour of Santosh Kumar Achary vide Annexure-10 dated 14.01.2019. As such reasons for cancellation has been indicted that the partnership deed between

the petitioner and opp. party No.6 and other documents filed was not registered with the Registrar of Firms in accordance with Section 59 of the Indian Partnership Act. But Subsequently, when opp. party No.6 made an application on that basis and the Collector has granted NOC vide Annexure-10 for running of crusher stone in schedule land.

4. Though it is contended that there is inter se dispute between the petitioner and opp. party No.6 with regard to partnership, but that question can be resolved in appropriate forum. However, if any individual application is made and the same satisfies the requirement, there is no illegality or irregularity by the Collector granting NOC in favour of opp. party No.6.

5. In that view of the matter, this Court is not inclined to entertain the writ petition. However, if any cause of action still subsists for the petitioner, it is open to him to approach before the appropriate forum in accordance with law.

6. The writ petition stands disposed of accordingly.

7. The personal appearance of the Collector, Koraput is dispensed with.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Arun/Bichi