

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 28227 of 2022

Prabhudayal Agrawal

.....

Petitioner

Mr. D. Mohapatra, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

18.11.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. Dayananda Mohapatra, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking direction to the opposite party no.1 to drop the proceeding initiated under Rule-20(1) of Mineral Concession Rule, 2016 vide Annexure-10.

4. Mr. Dayananda Mohapatra, learned counsel for the petitioner contended that against the notice of show cause issued under Annexure-6 dated 20.04.2017, earlier the petitioner had approached this Court by filing W.P.(C) No. 13244 of 2022, which was disposed of vide order dated 24.05.2022, permitting the petitioner to file reply to the notice of show cause. In compliance of the said order, the petitioner already filed reply to the notice of show cause and in turn the opposite parties have called upon the petitioner for personal hearing vide Annexure-10 dated 14.10.2022.

5. Mr. P.P. Mohanty, learned Addl. Government Advocate

appearing for the State-opposite parties contended that since the writ petition is premature one, this Court should not entertain the same. It is contended that notice of show cause was issued on 20.04.2017 and the petitioner wants to revive the same by way of filing reply and, as such, by virtue of the order passed by this Court, the petitioner already filed reply and on consideration of the same, the petitioner has been called upon for personal hearing. Instead of appearing before the authority, the petitioner has approached this Court by filing the present writ petition. Therefore, no cause of action arises for the petitioner.

6. Having heard learned counsel for the parties and after going through the records, since pursuant to the notice of show cause dated 20.04.2017 the petitioner has already filed reply and, as such, on that basis notice has been issued to the petitioner for personal hearing, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner pursue his remedy before the appropriate forum in accordance with law.

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

Issue urgent certified copy as per Rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Ashok