

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.29007 of 2022

Md. Arif @ Mohhamed Arif

.....

Petitioner

Mr. B.K. Mohanty, Advocate

Vs.

State of Odisha & Others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

17.11.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. The Petitioners have filed the present Writ Petition with the following prayer:-

“ It is therefore most respectfully prayed that Your Lordships would be graciously pleased to issue a Rule Nisi calling upon the Opp. Parties to show cause as to

(A) Why the action of the opposite party No.4 in issuing impugned letter No.1882 dated 21.10.2022 under Annexure-6 shall not be declared as illegal and arbitrary in the eye of law.

(B) Why the opp. party no.4 shall not be directed to allow the petitioner to operate the quarry.

(C) Why such other order/orders, direction/directions shall not be passed to secure the ends of justice, equity and fair play;

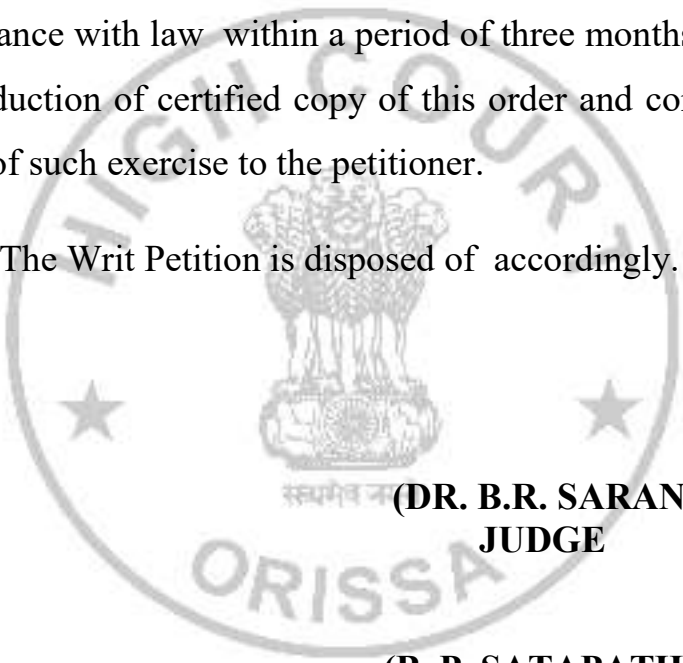
If the opposite parties fail to show cause or show insufficient cause the Hon'ble Court may be pleased to make the rule absolute and issue writ in the nature of writ of Mandamus by declaring the action of the opp. party no.4 as illegal and arbitrary with

further prayer to direct the opp. party no.4 to allow the petitioner to operate the quarry in the facts and circumstances of the case.”

4. He further submits that through highlighting their grievances, the petitioners have filed a representation vide Annexure-7 to the Writ Petition, but till date nothing has been done in the matter. In such background, he prays that a direction be issued to opposite party No.4 to take a decision on the above noted petition within a specific time period.

5. Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs opposite party No.4 to take a decision on the above noted petition in accordance with law within a period of three months from the date of production of certified copy of this order and communicate the result of such exercise to the petitioner.

6. The Writ Petition is disposed of accordingly.

The seal of the Orissa High Court is a circular emblem. It features the State Emblem of India at the top center, which is a four-lion capital of an abacus. Below the emblem is the motto 'Satyameva Jayate' in Devanagari script. The words 'HIGH COURT' are written in a semi-circle at the top, and 'ORISSA' is written in a semi-circle at the bottom. Two five-pointed stars are positioned on either side of the central emblem.
(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE

sangita