

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 30898 of 2022

Malati Routray

.....

Petitioner

Mr. S.K. Bhanjadeo, 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

13.12.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Bhanjadeo, 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 parties to allow her to operate the stone quarry, i.e., M/s Sankhari South New Building Stone Quarry, Kaipadar, Dist-Khurda for production of black stones situated at Kaipadar Mouza, Vill-Kaipadar (Plot No.3502 (P)) of Khata No. 849, lease hold area of Ac.0.405 of 1.00 acres in cluster 01 mine (i.e., Mining Lease area of Dhania of 52.284 Ha, Sankhari of 33.428 Ha. and Tangeni of 10.885 Ha (Total area- 96.597 Ha/238.691 Acres) under Shree Jagannath Temple Office, Puri by giving the NOC for blasting operation on the aforesaid quarry, and further seeks to declare the seizure of two compressors fitting with engine of tractor and one Coklin (Hitachi LIUGONG Company) along with other electronic equipment, Motor Cycle, and other articles made by opposite party no.9 in connection with Khurda Sadar P.S. Case No.219 of 2022, as illegal, arbitrary and unsustainable in the eye of law.

4. Essentially, the petitioner seeks direction to the police authority to release the seizure articles and thereafter for issuance

of no objection certificate for operation of the quarry. But due to illegal mining and blasting made by the petitioner, criminal case has been instituted against the petitioner in connection with Khurda Sadar P.S. Case No.219 of 2022. As it appears, what the petitioner cannot get directly asking indirectly by filing the present writ petition. Therefore, this Court is not inclined to issue any direction to the opposite parties.

5. At this stage, Mr. S.K. Bhanjadeo, learned counsel for the petitioner states that the petitioner may be permitted to withdraw the writ petition with liberty to approach the appropriate forum in accordance with law, to which this Court has expressed no opinion and, as such, it is open to the petitioner to pursue her remedy before the appropriate forum in accordance with law.

6. In view of the above submission, the writ petition stands disposed of as withdrawn with liberty as aforesaid.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Ashok