

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 38014 of 2020

Alaya Samantrary

.....

Petitioner

Mr. R.K.Sarangi, Advocate

Vs.

State of Odisha & another

.....

Opposite Parties

Mr. S.Rath, A.S.C.

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

13.10.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr.R.K.Sarangi, learned counsel for the petitioner and Mr.S.Rath, learned Addl. Standing Counsel for the State.
3. The petitioner has filed this writ petition seeking direction to opposite party No.2-Collector, Kendrapara to take necessary action against the concerned officials as per the representation dated 24.01.2020 under Annexure-1.
4. Mr.R.K.Sarangi, learned counsel for the petitioner contended that violating the provisions contained in OMMC Rule, 2016, Environment Protections Act, 1996 and OLR Act, 1860, excavation and lifting of different minor minerals has been made by the contractors of Rail Vikash Nigam Limited which have been used by them in construction of Haridaspur-Paradeep Railway line and allegations have been made against the authorities by way of filing representation under Annexure-1. The petitioner seeks to make an

inquiry and to pass appropriate order.

5. Mr. S. Rath, learned Addl. Standing Counsel submits that if any authorities have violated the conditions of the Act and rules mentioned above, the representation is not the remedy to consider the same, rather it is open to the petitioner to pursue his remedy in accordance with law.

6. Having heard learned counsel for the parties and after going through the record, this Court is of the opinion that if any illegalities have been committed by violating the aforesaid Rules and Act, the appropriate remedy is available under various Acts. Therefore, by filing representation, the petitioner cannot get any relief. This Court is not inclined to entertain such a prayer. However, liberty is granted to the petitioner to pursue his remedy in accordance with law, if he is so advised.

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

(DR. B.R. SARANGI)
JUDGE

Arun/kishore

(G. SATAPATHY)
JUDGE