

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.37338 of 2021

Akshaya Kumar Pattanayak *Petitioner*

-versus-

Union of India & others *Opposite Parties*

CORAM: JUSTICE S.PUJAHARI

ORDER

06.05.2022

Order
No.

05. 1. This matter is taken up by Hybrid mode.
2. Heard.
3. It appears that the Petitioner had sought for the following information under the R.T.I Act to the Central Public Information Officer and Project Director, National Highways Authority of India, Dhenkanal, Opposite Party No.4.

“1. The copies of all records, documents which speaks the quantity of different minor minerals such as morrum/earth/soil, sand, stones, stones dust, stone metal, stone chips etc. which have been already used in construction of widening & strengthening of NH 42 (New NH 55) that runs from Manguli (Dist.-Cuttack) to Angul (Dist.-Angul) that is undertaken by M/s. Gayatri Projects Ltd. (Contractor) be provided.

2.The copies of all records, documents which shows/speaks the name of the sources (sairats) with its details such as name of the Tahasil, name of the Mouza, Khata No., Plot No., area, kissam from which such minor minerals that have been already used in construction of widening and strengthening of NH 42 (New NH 55) that runs from Manguli (Dist.-Cuttack) to Angul (Dist.-Angul)

till date, have been procured by M/s. Gayatri Projects Ltd. (Contractor of NH 42) be provided.

3. The copies of all mandatory permissions such as mining plans, environments clearance, consent to establish/operate order of State Pollution Control Board, Odisha and other legal records obtained by M/s. Gayatri Projects Ltd.. (Contractor of NH 42) in favour of those minor minerals sources from which it has excavated and lifted such minor minerals that it has used in construction of widening and strengthening of NH 42 (new NH 55) that runs from Manguli (Dist.-Cuttack) to Angul (Dist.-Angul) be provided.

4. The copies of all valid legal records, documents such as transmit passes and money receipts of royalty paid for procurement of different minor minerals upon which authority such minor minerals have been lifted and procured by M/s. Gayatri Projects Ltd. (Contractor of NH 42), that have been used by it in construction of widening & strengthening of NH 05 that runs from Manguli (Dist.-Cuttack) to Angul (Dist.-Angul) till date, be provided.

5. The copies of records, documents which speaks the amount paid by M/s. Gayatri Projects Ltd. (Contractor of NH 42) as royalty for procurement of different minor minerals which have been used in construction of widening and strengthening of NH 42 (New NH 55) that runs from Manguli (Dist.-Cuttack) to Angul (Dist.-Angul) by it, till date, be provided.”

4. The authority concerned did not supply the information under the R.T.I Act within the statutory period and for that, he preferred an appeal before the 1st appellate authority on which the 1st appellate authority had given certain direction to supply the information to the Petitioner with a liberty to approach the Central Information Commission in the event of non-compliance of its direction. Since the direction by the 1st appellate authority was not complied with, the Petitioner made a reminder on 05.02.2021 Annexure-3 and a representation to

the 1st appellate authority but the same having not been disposed of, he has come to this Court seeking direction for disposal of the same.

5. Considering the fact that an application of protest has been filed as directed by the 1st appellate authority, the 1st appellate authority shall take a decision on the same as expeditiously as possible preferably within two months from the date of receipt of a certified copy of this order in accordance with law and intimate the decision thereof to the Petitioner.

6. With the aforesaid order, this writ petition stands disposed of.

7. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

PKS/MRS