

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 39506 of 2021

Mahesh Prasad Mishra

.....

Petitioners

Mr. D. Mohapatra, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. T.K. Patnaik, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

24.02.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. D. Mohapatra, learned counsel for the petitioner and Mr. T.K. Patnaik, learned Additional Standing Counsel.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to allow him to operate the quarry for a further period till the residue quantity of 1,01,000 CUM is lifted.

4. It is contended by learned counsel for the parties that similar matter was before this Court in W.P.(C) No. 28544 of 2020, which was disposed of by this Court vide order dated 19.11.2020 with the following observation/direction:-

“Having heard learned counsel for the parties and after going through the records, it appears that the petitioner was granted lease to operate the quarry for a period of five years, which was started from 19.10.2015 and expired on 18.10.2020. Therefore, after expiry of the said lease period, the same ipso facto cannot entitle the petitioner to claim further extension of 90

days. As such, it is within the domain of the authority concerned to consider the same but not by the Court. In course of hearing, it is contended that due to non-performance of the quarry for the period of 90 days owing to lockdown for which period the petitioner has already deposited certain amount, the said amount should be refunded to him. This Court has not expressed any opinion on the said question. However, liberty is granted to the petitioner to file a fresh application claiming such benefit before the authority concerned within 15 days from today. If the petitioner files such application within the time stipulated, the authority concerned shall consider the same within a period of three months from the date of filing of the application.”

5. In view of the above, this writ petition stands disposed of in terms of the observation/direction given in the order dated 19.11.2020 passed in W.P.(C) No. 28544 of 2020.

6. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(V. NARASINGH)
JUDGE

Arun