

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 34427 OF 2022

Kamakshya Prasad Sahoo ***Petitioner***

Mr. Rakesh Kumar Das, Advocate

-versus-

State of Odisha and others ***Opp. Parties***

Mr. Swayambhu Mishra,
Additional Standing Counsel

**CORAM:
JUSTICE K.R. MOHAPATRA**

Order No.

**ORDER
22.12.2022**

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the Letter No.5342 dated 16th December, 2021 issued by the Tahasildar, Odapada-Opposite Party No.4, whereby he has imposed a penalty of Rs.2,00,000/- for alleged illegal mining using the JCB bearing Registration No.OD-06-A-5454.
3. Mr. Das, learned counsel submits that the Petitioner has purchased the vehicle for earning his livelihood. He was letting it out to different persons. The person, who took the vehicle of the Petitioner on rent, engaged it for illegal mining of the minor minerals. The same was not within the knowledge of the Petitioner nor the Petitioner has ever instructed the person to use the vehicle for illegal mining. However, the vehicle has been seized by the Tahasildar, Odapada-Opposite Party No.4 instructing the Petitioner to appear before him on 17th December, 2021 and imposing a penalty of Rs.2,00,000/-.
4. Mr. Das, learned counsel submits that the Petitioner is ready to pay the penalty. But he is not in a position to pay the

entire amount at a time. If easy instalments are fixed, the Petitioner can deposit the same. It is, however, submitted by Mr. Das, learned counsel that the Petitioner has not approached the Tahasildar, Odapada by filing an application for redressal of his grievance.

5. In that view of the matter, this writ petition is disposed of with a direction that in the event, the Petitioner files an application for release of his vehicle on payment of fine amount by installments along with certified copy of this order within two weeks hence, the Tahasildar, Odapada-Opposite Party No.4 shall consider the same in accordance with law and communicate the decision thereof to the Petitioner as expeditiously as possible preferably within a period of two weeks therefrom.

6. As requested by Mr. Mishra, learned Additional Standing Counsel, a copy of this order be handed over to him for communication and compliance.

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

(K.R. Mohapatra)
Judge

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