IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11889 of 2024

P. Subba Rao .... ***Petitioner***

Ms. Amrita Nayak, Advocate

-versus-

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

Mr. P.P. Mohanty, A.G.A.

CORAM:
THE CHIEF JUSTICE
JUSTICE SAVITRI RATHO

ORDER

Order No. **18.06.2024**

01. This matter is taken up through Hybrid mode.

2. In the present writ petition filed under Article 226 of the Constitution of India, the petitioner has challenged a communication dated 04.01.2008 issued by the Department of Steel and Mines, Government of Odisha whereby an application for grant of Quarry Lease (QL) has been rejected. The said order reads thus:

> *"Whereas Sri. P. Vengal Rao has applied for the grant of Q.L. to the State Government by his application read above;*
>
> *Whereas there is no provision for grant of Q.L. decorative stone under the OMMC Rules, 2004 and the application does not fulfill the requirement for grant of PL/ML under the existing rules now in force;*
>
> *Whereas the applicant has not submitted the views/report of the concerned Tahasildar and DFO.*

Whereas the applicant firm were noticed under rule-17 (1) of OMMC Rules, 2004 vide this Department letter No.10089/SM, dt.10.12.2007 to appear before the Joint Secretary, Department of Steel & Mines on 26.12.07 for personal hearing to state his case, if any, before rejection;

Whereas the party neither attended the hearing personally nor submitted any written documents in his favour;

Whereas it is assumed that the party is no more interested in the area applied for;

Now, therefore, after careful consideration, the State Government have been pleased to reject the said application."

3. Learned counsel appearing on behalf of the petitioner has submitted that when the communication dated 04.01.2008 was made, the applicant P. Vengal Rao was no more, who had died on 31.01.2005 itself. She has submitted that the impugned communication dated 04.01.2008 is therefore against a dead person and thus not sustainable. The petitioner is legal heir of the applicant, in response to whose application, the said communication dated 04.01.2008 was made. Learned counsel for the petitioner has argued that there are valid reasons for not approaching this Court soon after the communication dated 04.01.2008 was made.

4. We see no illegality in the impugned communication dated 04.01.2008 as noted above. In any case, the petitioner, who is legal heir of P. Vengal Rao (said to have died on 31.01.2005), does not have any right to pursue this matter as the said communication relates to rejection of an application for grant of QL.

5. This writ petition has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh)
Chief Justice

(Savitri Ratho)
Judge

S.K. Guin/P.A.

Signature Not Verified
Digitally Signed
Signed by: SUBASH KUMAR GUIN
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 24-Jun-2024 10:46:40