IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 25995 of 2024

Debasmita Samantray ..... ***Petitioner***

Mr. Subir Palit, Sr. Advocate along with Ms. A. Pradhan, Advocate

-versus-

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

Mr. Rabi Narayan Mishra, Addl. Govt. Advocate

CORAM:
THE HON'BLE MR. JUSTICE S.K. SAHOO
THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER
18.10.2024

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

2. Mr. Subir Palit, learned senior counsel files his appearance memo in Court today. The same is kept on record.

3. Heard learned senior counsel appearing for the petitioner and learned counsel for the State.

4. This writ petition has been filed by the petitioner–Debasmita Samantray challenging the order dated 22.08.2024 under Annexure-13, wherein referring to the earlier two notices issued to the petitioner, i.e., of dated

28.12.2023 and 02.08.2024, the impugned order has been passed that for the laches and violations, the lease of "Sankhari South New Building Stone Quarry (CHHA), Kaipadar" was cancelled with immediate effect and EMD of Rs.3,55,200/- & ISD of Rs.73,00,800/- was forfeited to SJTA and the lease holder (petitioner) was also blacklisted from participating in any future auctions and further Rs.3,24,06,753/- shall be recoverable as arrear of land revenue under Rule 62 of OMMC Rules, 2016.

5. Mr. Subir Palit, learned senior counsel submits that neither the petitioner has received the notice dated 28.12.2023 nor in the notice dated 02.08.2024 there is anything regarding blacklisting of the petitioner from participating in any future auction. Thus, the petitioner has not been provided with any opportunity and she has been blacklisted. He relies upon a decision of the Supreme Court in the case of ***Gorkha Security Services v. Government (NCT of Delhi) and others,*** (2014) 9 SCC 105, wherein it has been held as follows:-

> *"21. The central issue, however, pertains to the requirement of stating the action which is proposed to be taken. The fundamental purpose behind the serving of show-cause notice is to make the noticee understand the precise case set up against him which he has to meet. This would require the statement of imputations detailing out the alleged breaches and defaults he has committed, so that he gets an opportunity to rebut the same. Another requirement, according to us, is the nature of action*

which is proposed to be taken for such a breach. That should also be stated so that the noticee is able to point out that proposed action is not warranted in the given case, even if the defaults/breaches complained of are not satisfactorily explained. When it comes to blacklisting, this requirement becomes all the more imperative, having regard to the fact that it is harshest possible action."

6. Issue notice to the opposite parties indicating therein that the matter shall be disposed of at the stage of admission.

7. Learned counsel for the State accepts notice for opposite party nos.1, 2, 3 and 6.

8. Let one extra copy of the writ petition with its enclosures be served on the learned counsel for the State by 21.10.2024.

9. Requisites for issuance of notice to opposite party nos.4 and 5 by speed post with proof of delivery shall be filed by 21.10.2024.

10. List this matter in the week commencing from 11th November, 2024.

(S.K. Sahoo)
Vacation Judge

(M.S. Raman)
Vacation Judge

Order No.

ORDER
18.10.2024

02. ***I.A. No.12212 of 2024***

1. Heard learned senior counsel appearing for the petitioner and learned counsel for the State.

2. As an interim measure, there shall be stay of operation of the impugned order dated 22.08.2024 vide Annexure-13 until further orders.

3. Issue urgent certified copy as per rules.

(S.K. Sahoo)
Vacation Judge

(M.S. Raman)
Vacation Judge

MRS/Aswini

Signature Not Verified
Digitally Signed
Signed by: MANORANJAN SAMAL
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 18-Oct-2024 19:05:57