IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.4615 of 2026

Prasanta Kumar Jena .... ***Petitioner***

Mr. Millan Kanungo, Senior Advocate
assisted by Mr. Soumya Ranjan Mohanty, Advocate

-versus-

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

Mr. Sanjib Swain, AGA

CORAM:
THE HON'BLE THE CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER
07.04.2026

Order No.

02. ***1.*** Challenging the order of the Mining Officer (I/C), Jajpur indicating premature closure of Dankari BSQ No.9/8 ("subject-mining", for short) under Rule 3(3) of the Odisha Minor Minerals Concession Rules, 2016 (for short, "the OMMC Rules") *vide* Letter No.7751/MM, Jajpur, dated 20th December, 2025 (Annexure-8), the petitioner has approached this Court by way of filing this writ petition invoking provisions under Articles 226 and 227 of the Constitution of India.

2. The petitioner emerged as successful bidder in the auction conducted in terms of the OMMC Rules in respect of said subject-mining measuring an area of Ac.12.00 decimal for a period of five years as intimated under Form-F. Though the petitioner deposited an amount of Rs.35,92,300/- in compliance of the instructions contained in the Letter No.4246, dated 26th October, 2017 issued by the Tahasildar, Dharmasala, lease

could not be executed in his favour for want of Environmental Clearance and mining plan.

2.1. A non-participant approached this Court by way of filing a writ petition being WP(C) No.20546 of 2017 (*Rajat Mohapatra Vrs. State of Odisha and others)* without impleading the petitioner as party. This Court *vide* order dated 22nd July, 2017 passed interim orders, but the said case came to be disposed of *vide* order dated 19th May, 2022 for want of instructions. After disposal of the said writ petition, process had been activated for obtaining Environmental Clearance, which was accorded to the petitioner *vide* Letter dated 24th November, 2022 for quarrying activities at Dankari Black Stone Quarry No.9/8 (Cluster Serial No.5C/04). Thereafter, the petitioner applied for "Consent to Establish" and "Consent to Operate" to the State Pollution Control Board, Odisha, which were granted by the competent authority on 12th December, 2022 and 17th December, 2022 respectively.

2.2. While the matter stood thus, a letter bearing No.5707, dated 31st December, 2022 was issued by the Tahasildar, Dharmasala (Annexure-7) to the petitioner, whereby and whereunder the "tender knocked" in favour of the petitioner stood "cancelled" and "the security money deposited is forfeited".

2.3. The petitioner on 20th December, 2025 received letter issued by the Mining Officer (I/C), Jajpur, which was under challenged in the instant writ petition.

3. On the earlier occasion when the matter was taken up, on the prayer of the learned Additional Government Advocate to obtain instructions, this matter was adjourned and, accordingly the matter is placed today.

4. Learned Additional Government Advocate appearing for the State-opposite parties submitted on receipt of written instruction that the notice under Annexure-8 was issued inviting written submission and personal hearing. Furnishing copy of the instruction so received from the authority concerned in the Court today, he submitted that the hearing commenced with the introduction by the Deputy Director of Mines, Jajpur Circle, Jajpur regarding the Indian Strategic Petroleum Reserves Limited (ISPRL) for enhancing the strategic storage capacity of the petroleum products. Therefore, it was decided to cancel the tender *in toto.*

5. Perusal of the said written instructions, it is manifest that the lease in respect of Dankari BSQ No.17 in favour of Prasant Kumar Jena (petitioner) has been closed due to ISPRL's SPR Project. Such project is proposed for larger interest of the public. The representative on behalf of lessee requested for alternative quarry for the said purpose in the national interest. It is also revealed therefrom that closure

of the said subject-quarry, being allocated for SPR projects, the land would be handed over to the Revenue and Disaster Management Department. However, the Mining Officer (I/C), Jajpur District assured for submission of the request made by the petitioner to the appropriate Department of the Government for consideration.

6. Faced with such situation, and taking into consideration the submissions advanced by the counsel for the parties, it is apposite to direct that the petitioner may approach the competent authority within a period of seven days hence with a comprehensive proposal/representation and the competent authority may take appropriate decision keeping in view the request made by the Mining Officer (I/C), Jajpur District within a period of four weeks from the date of receipt of such representation along with copy of this order.

7. With the aforesaid observation and direction, the writ petition stands disposed of; and pending Interlocutory Application (s), if any, shall also disposed of.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Signature Not Verified
Digitally Signed
Signed by: LAXMIKANT MOHAPATRA
Designation: SENIOR STENOGRAPHER
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 08-Apr-2026 11:42:06

MRS/Laxmikant