IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 30405 of 2026
ODHC010713792026

Uma Bricks, Balasore .... ***Petitioner***

Mr. Rama Chandra Jena, Advocate

-versus-

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

Mr. Sanjay Rath, Additional Government Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE GOURISHANKAR SATAPATHY

ORDER

Order No. **27.10.2026**

01. **1.** The present writ petition is filed with prayer to grant of following relief(s):-

> *"The petitioner, therefore, prays that Your Lordships may graciously be pleased to admit the writ application, call for the records and after hearing the parties, allow the same and issue a writ in the nature of Mandamus/Certiorari or any other or further writ/writ(s), direction/directions directing the Sub-Collector, Balasore (Opp. Party No.3) for inclusion of the petitioner's UMA Bricks earth quarry in DSR and thereafter issue license and consent to operate*

and manufacture bricks to maintain his livelihood of the petitioner for the interest of justice;

And pass any other order(s), direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

And for this act of kindness the petitioner shall, as in duty bound ever pray."

2. It is the case of the petitioner that the brick kiln in the name and style "UMA Bricks Kiln" started its business activity upon clearance regarding feasibility of site for installation of one fixed chimney brick kiln by the Tahasildar, Jaleswar vide Memo No.3581 dated 29th September, 2005 after taking into consideration the report/recommendation submitted by the Sub-Collector. Environmental clearance from the State Pollution Control Board under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, was also procured. Thereafter, the petitioner applied for renewal of the consent to operate the brick kiln and the authority concerned after being satisfied with the compliance of necessary requirements, granted pollution clearance vide order dated 26th April, 2016. The mining plan is also prepared and approved by the Deputy Director of Mines as per the District Survey Report (DSR).

2.1. The Divisional Forest Officer, Wildlife Division, Balasore on making needful enquiry and on verification of the land schedule, issued D.L.C. clearance in favour of the petitioner on 10th January, 2024.

2.2. The Tahasildar, Jaleswar vide letter dated 25th October, 2021 requested the Deputy Collector, District Record Room, Balasore to supply the sabik statement of the land schedule. Pursuant to the same, the Assistant Collector, District Record Room, Balasore submitted details of land schedule to the Tahasildar, Jaleswar for inclusion of UMA Brick Kiln Earth Quarry in the District Survey Report (DSR) vide letter dated 26th October, 2021. The Tahasildar, Jaleswar vide letter dated 16th February, 2023 requested the Sub-Collector, Balsaore for inclusion of petitioner's brick earth quarry. In the said letter the Tahasildar, Jaleswar specifically mentioned the UMA Brick Kiln satisfied the required criteria.

2.3. Despite submission of the required papers by the petitioner to include his UMA Bricks Kiln in District Survey Report (DSR), since the authority was sitting tight over the matter, the petitioner was constrained to file a representation to the Mining Officer-cum-Competent Authority, Minor Minerals, Balasore on 16th January,

2025 with a request to take the needful step for enabling the petitioner to operate the UMA Brick Kiln. Since no decision has been taken on the representation of the petitioner, the petitioner has approached this Court by filing the present writ petition.

3. Learned counsel for the petitioner submitted that since the recommendation of the Tahasildar, Jaleswar has been made in favour of the petitioner and the authority concerned has not yet taken any decision submitted by the petitioner to the Competent Authority(ies) on 16th January, 2025, the valuable right under Article 19(1)(g) of the Constitution of India has been infringed, thereby affecting livelihood. He further submitted that necessary direction may be passed to consider such representation within a stipulated period.

4. Learned Additional Government Advocate appearing for the State submits that he has no objection to the aforesaid submission of the learned counsel for the petitioner, if such representation is still pending.

5. Considered the aforesaid submissions and contentions of the learned counsel for the respective parties. Since the representation dated 16th January, 2025 of the petitioner has been

pending before the Competent Authority, it is felt apposite to direct the said authority to consider the grievance of the petitioner and dispose of said representation within a period of four weeks from today.

6. As an abundant caution, it is clarified that nothing stated above on facts be construed as an expression of any opinion of this Court on the merit of the matter. The appropriate authority is free to take independent decision on the merit of the matter on the basis of the material available on record and to be placed by the petitioner.

7. With the aforesaid observations and direction, the writ petition stands disposed of.

(Harish Tandon)
Chief Justice

(G. Satapathy)
Judge

S. Behera

Signature Not Verified
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Signed by: SUMANTA BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 30-Oct-2026 11:53:10