IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 31759 of 2026
CNR No.ODHC010755402026

Lopamudra Mohanty .... ***Petitioner***
Mr. Soubhagya Swain, Advocate

-versus-

State of Odisha and others .... ***Opposite Parties***
Mr. Debashis Tripathy, 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 instant writ petition is filed by the erstwhile licensee of a sand quarry seeking a direction upon the Deputy Director of Mines, Jajpur Circle, Jajpur-opposite party No.2 herein, to consider the representation dated 29th January, 2026 and also to extend the lease period in the interest of justice.

2. It is brought to our notice that the lease executed in favour of the petitioner has already been cancelled and/or terminated by the authorities. The representation remained pending before the authorities and on the basis thereof, a joint inspection was held to ascertain the situation.

3. Mr. Debashis Tripathy, learned Additional Government Advocate (AGA) is unable to apprise us the outcome of such joint

inspection, which may form the basis of a decision to be taken on the representation filed by the petitioner.

4. So far as the extension of the lease period is concerned, it is no longer *res integra* that the authorities cannot transgress the boundaries of the statutory provisions applicable in this regard. The moment, the Odisha Minor Mineral Concession Rules, 2016 "the OMMC Rules" is silent on the power vested upon the authorities to extend the period of lease, it would not be proper on the part of the Court to issue a writ of *mandamus* commanding the authorities to act *de hors* the provisions of law. However, Rule 64 of the said Rules confers power upon the State to take a decision and, therefore, we do not think that the prayer for extension of the lease through the writ fiat is acceptable and/or tenable. It is open to the State Government to take a conscious decision in this regard without being influenced by any observations made hereinabove.

5. So far as the non-consideration of the representation is concerned, the moment the joint inspection has been done, it is expected that the authorities would take a final decision thereupon and communicate the same to the writ petitioner.

6. The writ petition is, thus, disposed of directing the opposite party No.2 to consider and dispose of the said representation within a

period of four weeks from the date of the communication of this order by recording proper reasons in accordance with law.

7. For abundant precaution, it is hereby made clear that none of the observations nor the direction for consideration of the representation, shall be construed to have conferred any right into the petitioner and it is open to the said opposite party to take independent decisions as permissible in law by recording reasons.

(Harish Tandon)
Chief Justice

(G. Satapathy)
Judge

Sisira

Signature Not Verified
Digitally Signed
Signed by: SISIRA KUMAR BEHERA
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 28-Oct-2026 17:41:21