IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.37125 of 2026

CNR No. ODHC010877642026

Pragyan Paramita Padhi .... ***Petitioner***

Mr. Prafulla Kumar Rath, Senior Advocate
assisted by Mr. Saibrata Rath, Advocate

-versus-

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

Mr. Kailash Chandra Kar, Government Advocate

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

ORDER
12.11.2026

Order No.

02.

1. Arbitrary, irrational and illegal consideration of application for grant of blasting permission for operation of Kalachua New Building Stone Quarry situated over Plot No.1237(P) and 1246(P), Khata No.17 of Mouza: Dangarapada in the district of Khordha landed this petitioner before this Court by filing this writ petition to seek issue of writ of mandamus to the Collector and District Magistrate, Khordha to grant said permission in the light of Letter dated 517/Mines, Khordha, dated 17th September, 2026 (Annexure-25) issued by the Mining Officer and DDM (I/C), Minor Minerals, Khordha.

2. The background facts as enumerated in the writ petition reveals that upon being declared successful bidder and after compliance of statutory requirements, a quarry lease deed was executed between the Sub-Collector, Khordha and the petitioner for a period of ten years on 24th August, 2023. As a sequel, consent to operate on 7th September, 2023 was issued by the State

Pollution Control Board and the blasting permission was issued by the Collector and District Magistrate, Khordha on 6th October, 2023, which remained valid upto 31st March, 2024, 28th June, 2024 and 31st March, 2025. While the renewal application for blasting permission was pending by dint of the Odisha Minor Mineral Concession (Amendment) Rules, 2023, the records got transferred to the District Mining Officer.

2.1. In consonance thereof, the modalities for smooth transfer and administration of minor mineral sources of the Shree Jagannath Temple Administration have been approved by the Special Secretary to the Government of Odisha in Steel and Mines Department on 6th November, 2024.

2.2. The Sub-Collector, Khordha *vide* order dated 29th November, 2025 cancelled the quarry lease on 24th August, 2023, against which a writ petition, being WP(C) No.13106 of 2026 was preferred before this Court. Said petition was disposed of *vide* order dated 5th August, 2025 with the following observation:

> *"11. Despite the same, the lease was executed on 24th August, 2023 by the Sub-Collector in favour of the petitioner, as the judgment rendered by this Court is ordinarily be treated to have a prospective impact. After the amendment having brought into the said Rules of 2016, as notified on 27th December, 2022 in the Odisha Gazette Extraordinary, all the mining mineral sources of Lord Shri Jagannath Mahaprabhu Temple were handed over to the Mining Officer by the Tahasildar. The Sub-Collector, thereafter, proceeded to cancel the lease deed, obviously taking into account the change in law as well as the judgment rendered by this Court, which is impugned in the instant writ petition, solely on the ground that he was incompetent at such relevant point of time.*

12. As indicated hereinabove, it is well-nigh that the moment the power, jurisdiction and the authority is vested upon another competent person, the authority which had such power at the pre-amendment stage cannot usurp such power nor can act in relation thereto.

13. We do not find any impediment nor the subsequent Competent Authority is denuded of any such power or the jurisdiction to take a decision and pass appropriate order in the event, the past action appears to have been taken on the teeth of the violation of the statutory provisions but the authority who does not retain competence and jurisdiction at such relevant point of time cannot take such decision.

14. It is a cardinal principle of law that any order or decision taken by the authority lacking inherent powers and/or jurisdiction is a nullity and the same cannot occupy the space in the judicial parlance. In the instant case, the Sub-Collector has passed the order for cancellation of the lease deed on 29th November, 2025, when the power to take such decision came to be vested upon the Mining Officer and, therefore, such order being illegal and/or in absence of the jurisdiction cannot withstand in the eye of law.

15. Accordingly, the order dated 29th November, 2025 passed by the Sub-Collector is hereby quashed and set aside.

16. The Mining Officer, Khordha (opposite party No.3) is directed to take a conscious decision on the basis of the materials and the facts discerned from the record independently in accordance with law and it is expected that he would take such decision within three weeks from the date of communication of this order and communicate such decision to the petitioner immediately."

2.3. Pursuant to the said order of this Court, the Mining Officer, Minor Minerals, Khordha communicated the decision taken thereof by letter dated 1st September, 2026, whereby the petitioner's lease in respect of Kalachua New Building Stone

Quarry has got ratified and he sought to execute a formal rectification deed with the lessee-petitioner. After correspondences being made by the said Mining Officer with the Sub-Registrar, Khordha, it was clarified by the Mining Officer and DDM (I/C), Minor Minerals in letter dated 17th September, 2026 as follows:

"In strict compliance with Point 11 of the Hon'ble High Court's order, it is categorically noted that the judgment rendered by the Court is ordinarily to be treated to have a prospective impact. Therefore, even if the Sub-Collector signed and executed the lease deed on 29th November, 2024 — subsequent to the amendment brought into the Odisha Minor Mineral Concession (OMMC) Rules, 2016 (as notified on 27th December, 2022 in the Odisha Gazette Extraordinary) — the operation of said lease deed shall be treated prospectively.

Furthermore, as per the explicit directions of the Hon'ble High Court, the subject lease deed cannot be cancelled ipso facto and shall remain legally binding upon the Authority unless any specific terms and conditions are violated. Upon due verification, it has been established that neither the Notice Inviting Tender (NIT) nor the settlement has been cancelled, nor have any stipulations or clauses of the lease terms been violated. Consequently, the lease deed dated 29.11.2024 cannot be cancelled and stands duly ratified by the Competent Authority.

Accordingly, this letter shall serve as an integral annexure to the registered lease deed for all future records and references, including but not limited to the renewal of blasting permissions. Environmental Clearance (EC), Mining Plan, and Consent to Operate (CTO)."

2.4. Taking shelter of such clarificatory letter, the petitioner approached the Collector and District Magistrate, Khordha to recall the rejection remark and consider pending renewal application and requested for grant of temporary blasting

permission by representation dated 18th September, 2026 (Annexure-26). On 20th September, 2026, the petitioner also requested to the competent authority for generation of the User ID and Password for the i4MS Portal in respect of aforesaid Stone Quarry in order to enable the petitioner to comply with the provisions of the Odisha Minor Mineral Concession Rules, 2016.

2.5. With respect to allegation relating to illegal mining activity, this Court upon submission of report by the Special Officer, disposed of the writ petition bearing W.P.(C) No.32285 of 2026 on 16th October, 2026, pursuant to which, the petitioner was allowed to submit all the documents with the concerned authority for consideration of grant of blasting permission. The petitioner's application for blasting permission got rejected by the Collector and District Magistrate, Khordha-opposite party no.5.

2.6. Being aggrieved thereby, the petitioner has approached this Court by way of filing the instant writ petition.

3. Learned Senior Advocate appearing for the petitioner submitted that notwithstanding the clarification being issued by the Mining Officer and DDM (I/C), Minor Minerals, Khordha by letter dated 17th September, 2026 asserting that the lease deed dated 29th November, 2024 has not been cancelled and the earlier deed has duly been ratified by the competent authority and the operation of said lease deed would be treated prospectively, ignoring the same, the Collector failed to exercise his jurisdiction and rejected the application for blasting permission under a misconceived notion that there was absence of valid lease deed.

4. Learned Government Advocate appearing for the State-opposite parties vehemently opposed the submissions of the learned Senior Advocate appearing for the petitioner and sought to justify the rejection order with the reasons assigned by the Collector and District Magistrate, Khordha.

5. Heard Sri Prafulla Kumar Rath, learned Senior Advocate appearing for the petitioner and Sri Kailash Chandra Kar, learned Government Advocate appearing for the State-opposite parties.

6. On perusal of record, it is evident that in pursuance of earlier decision of this Court, the Mining Officer and DDM (I/C), Minor Minerals, Khordha having taken cognizance of lease deed dated 24th August, 2023 and 29th November, 2024 observed that the Mining Officer and DDM (I/C), Minor Minerals has been declared as competent authority for all Minor Mineral sources coming under Khordha District including the properties of Shree Jagannath Temple Administration and acknowledged sanctity of the lease deeds. He observed that even if the Sub-Collector signed and executed the lease deed on 29th November, 2024, the operation of said lease deed would be treated prospectively and that the lease deed dated 29th November, 2024 "cannot be cancelled" as the same got duly ratified by the competent authority.

6.1. On meticulous reading of said clarificatory letter dated 17th September, 2026 of the said Mining Officer, it is apparently unambiguous that the said letter would "*serve as an integral annexure to the registered lease deed for all future records and references,* ***including but not limited to the renewal of blasting***

permissions, Environmental Clearance (EC), Mining Plan, and Consent to Operate (CTO)*".*

6.2. It is also worthwhile to take note of the fact that by order dated 16th October, 2026, this Court while disposing of writ petition, W.P.(C) No.32285 of 2026 filed at the behest of the present petitioner, *vide* order dated 16th October, 2026 observed as follows:

> *"4. Considering the facts revealed at the time of inspection, we are not in a position to arrive at a conclusive opinion that the illegal activities of the quarry are being carried on. Be that as it may, the State and the police administration are directed to see there is no illegal quarry activities undertaken by any person thereat, and if necessary, shall make a periodical round visit even in the night. In the event the perpetrators have been found to indulge in such illegal activities, immediate steps shall be taken in accordance with law.*
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> *5. However, learned Additional Government Advocate representing the State-opposite parties submits on instructions dated 14th October, 2026 that after the order passed by this Court quashing the order cancelling the lease, the petitioner was duly informed to submit the lease deed, mining plan, EC, CTO/CTE and proof of clearance of royalty as well as statutory dues for necessary verification for issuance of a temporary blasting permission in respect of the said quarry. According to Mr. Saswat Das, despite the said letter dated 21st September, 2006 having been communicated, the petitioner has not complied the requisition so made therein, and therefore, the authorities cannot be said to be at fault. A copy of the letter dated 14th October, 2026 is taken on record.*
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> *6. Mr. Prafulla Kumar Rath, learned Senior Counsel appearing for the petitioner seriously refuted the aforesaid contention. According to him, no letter dated*

21st September, 2006 was ever served until 14th October, 2026 when the same was received in WhatsApp, and immediately an affidavit is affirmed by the petitioner, which is filed in Court today. Let such affidavit be taken on record.

7. Without going into the nitty-gritty of such statement—whether the said letter was served or not, the fact remains as on date that the said letter has been received by the petitioner. We, therefore, permit the petitioner to submit all those documents with the concerned authority immediately, and in the event of such filing of documents, the competent authority shall take a decision on the blasting permission within a week therefrom."

6.3. The papers enclosed to the writ petition and above discussions without any ambiguity in mind would lead us to hold that the order dated 3rd November, 2026 passed by the Collector and District Magistrate, Khordha by rejecting the grant of temporary blasting permission in respect of Kalachua New Building Stone Quarry situated over Plot No.1237(P) and 1246(P), Khata No.17 of Village-Dangarapada under Tahasil-Begunia in the district of Khordha on the spacious plea that there was absence of valid lease deed is fallacious, erroneous appreciation of evidence on record and such finding of fact returned is beyond weight of evidence available on record. The said authority having not applied his mind judiciously by analysing the documents available on record, the order impugned herein cannot be sustained.

6.4. This Court, therefore, has no other option left than to quash the impugned order dated 3rd November, 2026 and, accordingly, the order dated 3rd November, 2026 being set aside, the matter is now remitted to the Collector and District Magistrate, Khordha to consider the documents on record and/or to be made

available to him by the petitioner and pass reasoned order after affording the petitioner opportunity of hearing.

7. With the aforesaid observation and direction, the writ petition along with all pending Interlocutory Application(s), if any, shall stand disposed of.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Laxmikant

Signature Not Verified
Digitally Signed
Signed by: LAXMIKANT MOHAPATRA
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 13-Nov-2026 12:59:01