



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 5735 OF 2025

Chintamani Samal ***Petitioner***

Mr. Bibekananda Bhuyan, Senior Advocate
being assisted by Mr. Bijay Jena, Advocate

-versus-

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

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

**JUSTICE K.R. MOHAPATRA
& JUSTICE S.K. MISHRA**

ORDER
25.02.2025

Order No.

1. 1. This matter is taken up through hybrid mode.
2. 2. The Petitioner in this writ petition seeks to assail the demand notice dated 30th October, 2024 (Annexure-9) issued by the Mining Officer, Boudh raising a demand of Rs.27,78,796/- to be paid by him.
3. 3. Mr. Bhuyan, learned Senior Advocate submits that the Petitioner was granted lease of sand quarry of Kharasankuli Sand Bed in the district of Boudh with effect from 24th January, 2023 for a period of five years. He further submits that since the Petitioner has not removed any sand from the sand quarry as on date for the reasons not under his control, demand notice itself is erroneous and is liable to be set aside. He, however, submits that before receiving demand notice under Annexure-9, the Petitioner had made representations to the authorities to adjust the amount paid before execution of the lease deed towards



statutory dues, as the Petitioner may ultimately be held liable to pay 'Dead Rent' and not 'Royalty', as demanded.

4. Mr. Mishra, learned Additional Standing Counsel prays for an adjournment to take instruction on the same. He, however, raises serious objection with regard to genuineness of the representations under Annexures-8 and 11.

5. In view of the above, this matter stands adjourned to be listed on 16th April, 2025.

6. Instruction, if any, shall be obtained and counter, if any, shall be filed in the meantime serving copy thereof on learned counsel for the Petitioner.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

I.A. No. 3225 of 2025

2. 1. As an interim measure, it is directed that no coercive measure pursuant to the demand notice dated 30th October, 2024 (Annexure-9) issued by the Mining Officer, Boudh shall be taken against the Petitioner till the next date.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

bks