

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10633 of 2026

Priyadarshi Patra

....

Petitioner

Represented by Adv.–
Mr. Subham Agrawal, Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Represented by Adv.–
Mr. Saswat Das, Additional Government Advocate

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

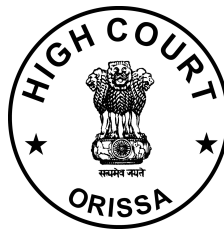
Order No.

**ORDER
04.05.2026**

02.

W.P.(C) No.10633 of 2026 and I.A. No.6220 of 2026

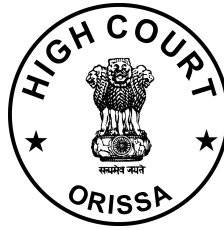
1. The petitioner has challenged the demand notice issued after the alleged surrender of the quarry lease.
2. According to the petitioner, an application was made to the authority signifying the intention to surrender the lease prematurely and the same was impliedly accepted as the authorities released the Bank guarantee, which was put as a security for due performance of the terms and conditions embodied in the said



lease. It is further stated that the amount required to be deposited under the said lease as well as the statutory provisions upto the date of surrender has also been deposited, but the impugned demand relates to a period subsequent to the alleged surrender, which is impermissible.

3. On the last occasion, the matter was adjourned to enable Mr. Saswat Das, learned Additional Government Advocate for the State-opposite parties to take instructions from the competent authority. He fairly submits that the authorities have taken shelter under the wrong provision of the law and, therefore, having apprised of the same, they are processing a further instruction to be sent to him in this regard.

4. As the sequence of events narrated hereinabove goes to suggest that the petitioner did not intend to proceed with the quarry lease and the authorities also released the Bank guarantee, such conduct is required to be construed as to whether the authorities have accepted the said surrender or not. We, therefore, feel that the authorities must disclose their stand by way of an affidavit before this Court.



5. We, therefore, direct the State-opposite parties to file a counter affidavit within two weeks. Rejoinder thereto, if any, shall be filed within a week thereafter.

6. List this matter on 30th June, 2026.

7. Once the Bank guarantee is released, which was taken as a security towards due performance of an obligation under the quarry lease, we feel that a *prima facie* case is made out for interim protection. Accordingly, the authorities are restrained from taking any action or further action on the basis of the impugned demand notice till the next date of listing.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

S.K. Guin/PA