



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9263 of 2024

Jay Kishore Choubey **Petitioner**

-Versus-

Revenue Divisional Opp. Parties
Commissioner (Central Zone),
Cuttack and others

Advocates appeared in this case:

For Petitioner : Mr. N. Lenka, Advocate
Mr. H. K. Mohanta, Advocate

For Opp. Parties : Mr. D. N. Lenka, AGA

CORAM:

THE HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

J U D G M E N T

Decided on: 26th March, 2026

MRUGANKA SEKHAR SAHOO, J.

1. The W.P. (C) No.9263 of 2024 has been filed challenging the order dated 11.12.2023 passed by the opposite party no.2-Certificate Officer-cum-Collector, Mayurbhanj in Certificate Case No.06 of 2018 (04/2018) in a proceeding under the provisions of Odisha Public Demands Recovery Act, 1962 (hereinafter the OPDR Act for



short) attaching the immovable properties of the petitioner and directing to take physical possession of the land of the petitioner and further directing to put the land in auction and to issue non-bailable warrant.

It is stated in the writ application and submitted that challenging the demand notice issued in the said certificate case the petitioner has filed Certificate Appeal No.09 of 2019 U/s.60(1)(c) of the OPDR Act, 1962 before the Revenue Divisional Commissioner (Central Division), Cuttack. The said appeal is pending disposal.

2. I.A. No.23096 of 2025 has been filed after the order passed by the Hon'ble Supreme Court. Similar I.A.(s) have been filed in all the six writ applications listed today.

3. The matter has been listed before this Bench specially assigned by Hon'ble the Chief Justice by order dated 20.01.2026 in the administrative side.

4. I.A. No.23096 of 2025 has been filed by the OP/State enclosing copy of the order dated 10.12.2025 passed by the Hon'ble Supreme Court in Miscellaneous Application No.18 of 2025 in W.P.(C) No.114 of 2014. The said Miscellaneous Application was filed, arising out of impugned final judgment and order dated 02.08.2017 in W.P.(C) No.114 of 2014: **Common Cause v. Union of India and others**. By the said order the Hon'ble Supreme Court have directed thus:

“1. We are informed that several writ petitions bearing W.P.(C) Nos.31548, 31551, 31554 of 2025 and W.P.(C) Nos.9264, 9263 and 12358 of 2024 are pending before the high Court, wherein



orders passed in recovery proceedings have been challenged and stay obtained.

2. Since public revenue to a substantial extent is involved, we grant liberty to the State of Odisha to move an application before the Chief Justice of High Court of Odisha by 19th December, 2025, with a request to assign all such writ petitions to a dedicated Bench for final disposal by the end of March, 2026.

3. In the event, the Bench is disabled from deciding the writ petitions finally by 31st March, 2026, at least, the prayers made by the State of Odisha for vacation/alteration/modification of such interim orders of stay may be considered and decided by the Bench.

4. We also observe that in such of the cases where either there is no stay granted by the High Court or any other appropriate Court, the State of Odisha shall proceed in accordance with law for recovery of the outstanding dues.

5. Further status report shall be filed on or before 02.04.2026.

6. Re-list the Miscellaneous Application and the connected matters in the second week of April, 2026."

5. The learned counsel, Mr. Lenka referring to the averments made in the writ petition submits that one of the contentions raised in the writ petition is that prior to filing of the certificate case under the provisions of the Odisha Public Demand Recovery (OPDR) Act and further proceeding under the said Act, quantified demand giving details of calculation for arriving at the figure was not raised against the petitioner.

6. To support his contention, learned counsel for the petitioner relies on the paragraphs 3, 4 and 5 of the



Certificate Appeal No.9 of 2019 pending before the appellate authority, which are reproduced herein:

“3. That as per the mining Lease Agreement, the Appellant was paying the surface rent and other ancillary rents from time to time. It is humbly submitted that during the period 2000-2001 to 2009-10, the Appellant produced around 62.792 MT of iron ore from the approved lease area and the same was dispatched after obtaining removal permission from the mining Department by paying royalty and taxes.

4. That on 19.11.2009, the opposite party No.4 suspended the mining operation until all the statutory clearances have been approved as the mining operations were going under deemed extension provision as per the mineral Concession Rules, 1960. Therefore, in compliance to the aforesaid letter, the Appellant stopped all mining activities.

5. That, the opposite party No.1 vide letter No.5711/S & M/II(A) SM-24/2013 dated 25.06.2015 declared all the mining lease to have lapsed with effect from 18.11.2011 under Section-4A of MMDR Act, 1957 read with Rule-28(1) of mineral Concession Rules, 1960.”

7. It is submitted by the learned counsel, Mr. Lenka that there is no basis for arriving at the figure quantified for supporting the demand(s) made by the Mining Authority raised against the petitioners, allegedly, towards mining dues which have been sought to be enforced by resorting to the OPDR Act.

8. The learned AGA submits that he has filed counter in response to the writ petitions W.P. (C) No.31548 of 2025, W.P. (C) No.31551 of 2025 and W.P. (C) No.31554 of 2025



and has also filed a petition for vacation of interim order of stay.

Mr. Lenka, learned counsel submits that he has received copy of the IA seeking vacation of stay/interim order.

9. As has been stated at the Bar by the learned counsel for the parties the Certificate Appeal No.09 of 2019 is pending before the Revenue Divisional Commissioner (Central Division), Cuttack.

Apparently, pendency of this writ petition has interdicted the said proceeding i.e. Appeal U/s.60 of the OPDR Act, 1962.

10. In view of the above, it is directed the Revenue Divisional Commissioner (Central Division), Cuttack shall proceed with the appeal in accordance with law.

The parties shall appear before the Revenue Divisional Commissioner (Central Division), Cuttack on 10.04.2026 along with certified copy of this order. The RDC (CD), Cuttack is requested to grant further three weeks' time to the parties to complete the respective pleadings. If any rejoinder or sur-rejoinder is to be filed by any of the parties, the same shall be completed within two weeks thereafter. The parties shall have the liberty to take all the plea available under law before the RDC (CD), Cuttack.

11. The learned counsel representing the State/Department of Mining appearing before the appellate authority: RDC (CD), Cuttack shall apprise the authority by producing copies of all the orders passed/direction issued



by Hon'ble the Apex Court which would have any bearing on the subject under adjudication.

12. The petitioner herein whether is a party in any proceeding pending before/disposed of by Hon'ble the Apex Court shall be specifically disclosed before the Appellate Authority-RDC in the pending appeal.

13. This Court has not expressed any opinion regarding the respective contentions of the parties in the present writ petition.

14. The interim order dated 19.04.2024 passed in this writ petition shall continue during pendency of the Certificate Appeal No.09 of 2019 before the RDC(CD), Cuttack till disposal of the appeal.

15. It is directed that the parties shall cooperate in sincerely prosecuting the matter in appeal. The appeal shall be disposed of within a period of four months from the date of appearance as directed above before the appellate authority.

16. The writ petition is disposed of with the above observations.

Urgent certified copy be issued as per rules.

(Mruganka Sekhar Sahoo)
Judge

*Orissa High Court, Cuttack
The 26th March, 2026/Radha*