



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11903 of 2023

Srinibas Jena

....

Petitioner

Mr. Subir Palit, Senior Advocate

Along with

Ms. Ananya Pradhan, Advocate

-versus-

***Office of the Hon'ble
Lokayukta, Odisha and
others***

....

Opp. Parties

CORAM:

JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

06.05.2026

(Hybrid Mode)

Order No.

01.

I.A. No.5508 of 2023

1. This is an application for dispensing with the filing of the certified copy of the order dated 02.03.2022 passed by the Hon'ble Lokayukta, Odisha in Case No.L.Y.-670 of 2021.

2. Learned Senior Advocate appearing on behalf of the petitioner submits that he was never a party before the Hon'ble Lokayukta in the proceeding nor he has been provided with any copy of the order. For the time being, filing of certified copy may be dispensed with.

3. Prayer is allowed.

In view of the filing of the attested copy of the order dated 02.03.2022, filing of certified copy is dispensed with for the time being.



W.P.(C) No.11903 of 2023

4. The petitioner is before this Court challenging the Vigilance Cell File No.05 of 2022 pursuant to the order dated 02.03.2022 passed by the Hon'ble Lokayukta, Odisha in Case No.L.Y.-670/2021.

5. Mr. Palit, learned Senior Advocate for the petitioner refers to the order dated 02.03.2022 which is reproduced herein:

“None for the parties.

In the present complaint, it is alleged that rampant illegal mining of black stone is being carried out in Bajbati Hill, Tahasil: Dharmasala, District-Jajpur in collusion with the district authorities.

In response to the notice, Collector, Jajpur and Tahasildhar, Dharmasala have separately filed their replies. The Collector, Jajpur in his reply has admitted that the lease holder of Bajbati BSQ No.01, 02 and 03 has illegally operated the mine of black stone beyond the boundary limit for which penalty has been imposed on him.

Be that as it may, the allegation of illegal mining made in the complaint could not be denied by the Collector, Jajpur. We therefore in exercise of our powers conferred under section 20(1) of the Odisha Lokayukta Act, 2014 deem it proper to direct the Director, Vigilance, Odisha, Cuttack to conduct a preliminary inquiry for ascertaining whether there exists a prima facie case for proceeding further in the matter against any public servant(s) or any other persons(s). Needless to mention that the Director Vigilance shall ensure compliance of the provisions of section 20(2) of the Act. The report of preliminary inquiry be submitted within two months. A copy of the complaint



and all relevant documents be immediately supplied to the Director, Vigilance.

List the matter on 05.05.2022 for submission of inquiry report and hearing."

6. Referring the said order, it is submitted that the Hon'ble Lokayukta has not referred to any person named in any complaint though it has been observed that *"...Be that as it may, the allegation of illegal mining made in the complaint could not be denied by the Collector, Jajpur..."*. The documents/affidavit/report furnished by the Collector neither has been referred nor any further details have been given.

7. Learned Senior Advocate refers to section 21 of the Odisha Lokayukta Act, 2014 which is reproduced herein:

"21. If, at any stage of the proceeding, the Lokayukta—

(a) considers it necessary to inquire into the conduct of any person other than the accused; or

(b) is of opinion that the reputation of any person other than an accused is likely to be prejudicially affected by the preliminary inquiry,

it shall give to that person a reasonable opportunity of being heard in the preliminary inquiry and to produce evidence in his defence, consistent with the principles of natural justice."

8. Further the learned Senior Advocate refers to the section 20 which provides procedure in respect of preliminary inquiry and investigation.



It is submitted that harmonious reading of sections 20 and 21 would lead to an irresistible conclusion that the person affected needs to be heard by the Hon'ble Lokayukta if any order is to be passed which prejudicially affects the person.

It is further submitted that the present petitioner was never a party before the Hon'ble Lokayukta, much less being given any opportunity to be heard regarding any issue that was part of the complaint made before the Hon'ble Lokayukta.

9. Learned Senior Advocate refers to page 68 of the brief which though contains the address of the sender who has been impleaded as Opp. Party No.3 in the present application and the narrations are in vernacular odia. Learned Senior Advocate submits that he shall file English translation of the said document in vernacular Odia.

10. This Court being able to go through the said document able to read and understand Odia.

Learned Senior Advocate drawing the attention to the page 68 submits that the complaint does not indicate any name or any particular person apart from making allegations in general.

11. Issue notice along with this order to the Opp. Parties.

Notice to the Opp. Party No.1, Office of the Hon'ble Lokayukta represented through its Secretary is only to the extent for obtaining copies of the records those were



part of the proceeding No.670 of 2021 before the Hon'ble Lokayukta.

Requisites for issuance of notice to the Opp. Party No.1, 2 & 3 by Speed Post with Registration and proof of delivery shall be filed within three working days.

12. List in the week commencing 13.07.2026 along with W.P.(C) Nos.11919, 11915 & 11923 of 2023..

Liberty to mention.

I.A. No.5507 of 2023

13. Heard learned Senior Advocate for the petitioner.

He reiterates his submissions as noted above.

14. Issue notice along with this order.

Notice to the Opp. Party Nos.2 & 3 by Speed Post with Registration and proof of delivery.

Accept one set of process fee as well as postal requisites along with the writ application.

15. As an interim measure, it is directed that there shall be stay of operation of the Vigilance Enquiry Proceeding against the petitioner vide Vigilance Cell File No.05 of 2022 arising out of the impugned order dated 02.03.2022 in L.Y. No.670 of 2021 till the next date of hearing.

Urgent certified copy be issued as per Rules.

Signature Not Verified

Digitally Signed
Signed by: AMIT KUMAR MOHANTY
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 08 May-2026 15:44:25



(Mruganka Sekhar Sahoo)
Judge