



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21365 of 2025

Ganesh Prasad Kar

....

Petitioner

Represented by Adv.—
Mr. B.S. Tripathy, Advocate
Mr. Mithun Das, Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Represented by Adv.—
Mr. Sanjay Kumar Rath, Addl. Govt. Advocate

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

**ORDER
24.03.2026**

Order No.

01. 1. Undeniably, the petitioner was granted a lease of *Balda Nainlo Sand Quarry* for a period of five years in accordance with the provisions of the Odisha Minor Mineral Concession Rules, 2016 and had also continued to deposit the amount of royalty and other charges as applicable in the said Rules, as and when the demand notices were issued upon the petitioner.
2. Subsequently, because of the law and order situation and the interference of the local people and a prohibitory order having passed to maintain the law and order, the petitioner could not operate the sand quarry for a period from 01.08.2023 till the month of July, 2024.



Subsequently, a representation was submitted by the petitioner on 8th July, 2024 to the authority i.e. the Mining Officer-opposite party No.4 seeking exemption and/or adjustment of the royalty already paid in advance covering the aforesaid period, as the petitioner was prevented from operating the said sand quarry for the circumstances which cannot be attributable to the conduct of the petitioner.

3. The said representation was taken into consideration by the Deputy Director of Mines and issued a letter No.2285 dated 12.07.2024 to the Director of Mines, Odisha for taking a conscious decision and the future action. According to the petitioner, the said letter vividly reflects the true and correct state of affairs with categorical observation that the stoppage of the mine was not by the lapses or the negligence of the petitioner but was beyond his control and, therefore, the decision to grant exemption should be taken in a more pragmatic manner. Once such communication has been made and the representation, which is filed by the petitioner, is yet to be disposed of; it is inconceivable that the authorities will keep the same in suspended animation for all time to come, keeping the right of the petitioner in lurch. A time has come that the authorities must show alacrity in taking a decision as any prompt action would have the beneficial impact of easing out the burden of the Court.



4. The writ petition is disposed of directing the authority i.e. the Director of Mines, Odisha (opposite party No.2) to take a decision on the basis of the representation filed by petitioner and in the light of the observations made in letter dated 12.07.2024 issued by opposite party No.3-Deputy Director of Mines, Cuttack Circle, Cuttack within four weeks from the date of communication of this order by recording proper reasons in accordance with law. It goes without saying that the said decision shall immediately be communicated to the petitioner for taking further action.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

S.K. Jena/Sr. Secy.