



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28781 of 2025

Kasinath Dhanwar

....

Petitioner

Mr. Sukanta Kumar Dalai, Advocate

-versus-

State of Odisha and others

....

Opposite parties

Ms. Aishwarya Dash, Additional Standing Counsel

CORAM:

HON'BLE THE CHIEF JUSTICE

AND

HON'BLE MR JUSTICE CHITTARANJAN DASH

ORDER

28.07.2026

Order No.

04.

1. Despite several rounds of litigation at the behest of the petitioner before this Court and orders are being passed, the Revenue Appeal being Case No.14 of 2023 filed by the petitioner is decided against the petitioner taking hyper-technical points without deciding the core issue on merit.

2. In one of the writ petitions, this Court granted liberty to the petitioner to pursue his remedy before the appropriate forum in accordance with law as provided under Rule-46 of the Odisha Minor Minerals Concession Rules, 2016. The said order was duly communicated to the authority, who, after recapitulating the said fact, observed that the appellant (petitioner herein) has suppressed the material facts and obtained the order from the Court, which was



a simplicitor disposal of the writ petition granting liberty to the petitioner to approach the statutory appellate forum as provided in the Rules.

3. However, the impugned order reveals that the points urged by the petitioner have been succinctly recorded and/or reproduced, yet the entire order proceeds on extraneous materials without touching upon the merit of such plea taken by the petitioner.

4. On the last occasion, more particularly, after noticing the observations made in the impugned order raising a question on passing of an order by this Court, we directed the Deputy Director of Mines, who passed the impugned order to remain personally present before this Court. In compliance to the said order, the Deputy Director of Mines who passed the impugned order as well as the present incumbent to such post are personally present.

5. At the very outset, Ms. Aishwarya Dash, learned Additional Standing Counsel (ASC) tendered apology on their behalf that they ought to have shown restraint from making any such observations which undermine the authority of the Court. She further submits that they have all respect to the majesty and the sanctity of the Court and have no inclination to disrespect the same and for such mistake, they



are tendering apology as the same is not intentional and/or deliberate. She also could not dispute that the impugned order does not really decide the plea raised by the petitioner, which ought to have been decided on merit.

6. In view of the above, the impugned order has been passed on extraneous grounds and did not address the issue raised by the petitioner. We, thus, find that the process by which such decision was taken is infirm and cannot be sustained in law. The impugned order dated 26th September, 2025 passed in Revenue Appeal Case No.14 of 2023 is hereby quashed and set aside.

7. The matter is remitted back to the Deputy Director of Mines, Rourkela to decide the said Revenue Appeal afresh after giving an opportunity of hearing to the petitioner and all other interested persons by recording proper reasons in accordance with law.

8. For abundant precaution, we hereby made it clear that we had not gone into the merit and/or demerit of the plea taken by the petitioner in the said appeal and it is open to the said authority to take an independent decision without being swayed by any observation made in the impugned order within three weeks from date.



9. With such observations, the writ petition is disposed of.

10. Personal appearance of Mr. Bimbadhar Sethi and Mr. Jitendra Kumar Panda, the Deputy Directors of Mines is dispensed with.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

Sisira