



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.31 of 2026

Jayanta Kumar Rout and others

...

Petitioners

Mr. Lalatendu Samantaray, Advocate

-Versus-

State of Odisha and others

...

Opposite Parties

*Mr. Sanjay Rath,
Additional Government Advocate*

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

**ORDER
03.02.2026**

Order No.

01. 1. Despite the Supreme Court showed deep concern over the mining scandal of enormous proportions involving megabucks across three districts in the State of Odisha, namely, Keonjhar, Sundargarh and Mayurbhanj, in a Public Interest Litigation filed by Common Cause, yet the reality is a far cry.
2. The said Public Interest Litigation under Article 32 of the Constitution of India was filed by the said Common Cause and taking the serious and alarming revelation of the fact, the Apex Court passed several directions upon the Government with the primary object to curb the menace of illegal mining across the State. The judgment of the Apex Court is rendered in *Common Cause vs. Union*



of India and others; (2017) 9 SCC 499, yet the instant Public Interest Litigation flags the identical issues of illegal mining in two districts including Mayurbhanj.

3. The petitioners submit that not only indiscriminate blasting is done at the mining site by those mining mafias but the complacency on the part of the administration is also patent that no action or steps have been taken against those mafias. Apart from the Mayurbhanj district, which was one of the concerns in the Public Interest Litigation filed before the Supreme Court as aforesaid, such illegal mining is also continuing and rampant across the district of Balasore.

4. It is highlighted that unless such mafias have some patronage, the mining activities may not be possible and, therefore, the functionaries of the State should be reminded of their solemn duty to take stern steps in not only stopping the illegal mining activities in those districts but also to put those mafias under the clutches of stringent laws. According to the petitioners, there is no monitoring and/or surveillance mechanism adopted by the administration, which led those illegal mining activities to continue seamlessly and, therefore, it is high time that the Government or its instrumentalities must be reminded of its solemn duty.

5. It admits of no ambiguity that the minerals are the natural resources and assets of the Government to be utilized in a responsible manner so as to provide all the sustainable supports to the citizen of the country.



6. So far as the Mayurbhanj district is concerned, it is dominantly occupied by the tribal areas, as noticed in the judgment rendered by the Supreme Court in *Common Cause (supra)* and we have no hesitation in understanding the demography of the Balasore being adjacent district may also have the same population. The steps and the remedial measure as suggested/directed by the Apex Court has not been put with full rigour and force; had it been so, rampant illegal mining in the district of Mayurbhanj would not have been possible.

7. The instruction is handed over to the Court by the Additional Government Advocate, which is concentrated on the steps taken in relation to illegal mining activities in the district of Mayurbhanj, but there is a complete conscious silence in relation to the other district, namely, Balasore. We do not intend to segregate and compartmentalize the mining activities on a district-wise basis as the illegality itself invites not only introspection but the action to be taken by the administration.

8. The counsel for the petitioners vociferously submits that the petitioners have been noticing, since preceding months, the movement of the vehicles carrying such stones/minerals in the village and the sound of blasting is also frequently heard by them.

9. It is alarming to note from the instruction that despite the communication is made by the Mining Officer, Mayurbhanj to the Mining Officer, Balasore on 23.09.2025 that some mafias of the Balasore district are mostly doing the illegal excavation and one of the excavators owned by a person named, Radheshyam crusher (Sarisua, Guapal) was caught but a plea was taken that they are the



auction holder of the stone quarry from Balasore area but actually they excavate stone using heavy machines from Mayurbhanj area. The request was made to take several steps by making frequent raids, demarcation of the district boundaries and activation of the provisions contained in the criminal law, yet no fruitful result is found.

10. We are not unmindful of the fact that the State must be given an opportunity to disclose the facts and the steps having taken, but as an interim measure, we feel that each day of permitting such illegal mining to continue causes a loss to the national assets.

11. We, therefore, direct the Superintendent of Police of Balasore and Mayurbhanj districts to depute adequate numbers of the police personnel across the mining situated in the said districts and in the event any mining activities are seen, immediate steps should be taken upon verification of the relevant documents granted by the Competent Authority in this regard.

12. The RTO is also directed to constitute a team of adequate personnel to intercept each vehicle passing through the road in the State of Odisha, carrying the minerals/ores and in the event the requisite documents as required under the Mines and Minerals (Development and Regulation) Act, 1957 and the Rules framed thereunder are not found or being carried, immediate seizure should be ensured and the persons should also be taken into the rigours of law.

13. Let the affidavit be filed by the State within three weeks from date.



14. List this matter on 10th March, 2026.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Aswini