

IN THE HIGH COURT OF ORISSA

ORDER SHEET

Case No. - WP(C) / 19056 / 2024

PAWAN KUMAR AGRAWAL *Petitioner*

Versus

STATE OF ODISHA & ORS *Opposite-Party*

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action(if any),taken on Order



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 19056 of 2024

Pawan Kumar Agrawal

....

Petitioner

Mr. P.K. Behera, Advocate

-versus-

State of Odisha and Others

....

Opposite Parties

Mr. Debashis Tripathy, AGA

CORAM:


**THE CHIEF JUSTICE
JUSTICE SAVITRI RATHO**

ORDER

04.11.2024

Order No.

01. This matter is taken up through Hybrid mode.
2. List this matter tomorrow i.e. 05.11.2024.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

puspa/sukanta



IN THE HIGH COURT OF ORISSA, AT CUTTACK

W.P.(C) No. 19056 of 2024

Pawan Kumar Agrawal

.....

Petitioner

Mr. Sameer Kumar Das, Advocate

vs.

State of Odisha and others

.....

Opposite Parties

Mr. Debashis Tripathy, Addl. Govt. Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

05.11.2024


Order No.

02.

This matter is taken up through hybrid mode.

2. Let a counter affidavit be filed on behalf of the State. In the counter affidavit it must be specifically mentioned as to whether the opposite parties are inclined to refund the amount deposited by the petitioner for grant of lease pursuant to the notice dated 02.01.2023 issued by the Tahasildar, Langigarh (Annexure-1). In the facts of the present case as asserted in the writ petition, the Court may consider issuing directions for refund of the said amount with interest.

3. List this matter on 19.11.2024 within first five cases.


(Chakradhari Sharan Singh)

Chief Justice


(Savitri Ratho)

Judge



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.19056 of 2024

Pawan Kumar Agrawal

.... ***Petitioner***

Mr.Niranjan Jena, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***

Mr.Debashis Tripathy, AGA

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE SAVITRI RATHO

ORDER

19.11.2024

Order No.

03.

This matter is taken up through Hybrid mode.


2. Mr.Debashis Tripathy, learned Addl. Government Advocate appearing on behalf of the State of Odisha has produced before this Court a communication dated 18.11.2024 made by the Tahasildar, Lanjigarh addressed to the Collector, Kalahandi seeking permission to refund for grant of lease pursuant to notice dated 02.01.2023.

3. By an order dated 05.11.2024, the State-opposite parties were directed to file a counter affidavit as to whether they were inclined to refund the amount or not or else the Court may consider issuing directions for refund of the said amount with interest.

4. No affidavit has been filed till date. This amounts to putting the petitioner to undue harassment.



5. List this matter on 26.11.2024 to be taken up within first five cases.
6. The opposite parties are directed to file a counter affidavit in terms of the Court's order dated 05.11.2024 subject to payment of cost of Rs.1,000/- to be deposited in the account of the Welfare Fund of Orissa High Court Bar Association.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

Bichi



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19056 of 2024

Pawan Kumar Agrawal

.... *Petitioner*
Mr. S.K. Das, Advocate

-versus-

State of Odisha and others

.... *Opposite Parties*
Mr. S.B. Panda, A.G.A.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER
26.11.2024

Order No.

04.

This matter is taken up through Hybrid mode.

2. Learned counsel appearing on behalf the petitioner states that he has received a copy of the counter affidavit last evening which he requires to consider. He seeks an adjournment for that purpose.
3. Learned Additional Government Advocate has informed this Court that the cost as directed by this Court has been deposited in the appropriate account.
4. List this matter on 10.12.2024.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

IN THE HIGH COURT OF ORISSA

Case No. - WP(C) / 19056 / 2024

OFFICE NOTES

Sl. No. of Order for Compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
0	2024-10-23	For Fresh Admission (WRIT BRANCH (DIVISION BENCH 2) Seat: 113, Date & Time: 2024-08-08 11:32:46.014043)
2	2024-11-05	Order No.02,dated.05.11.2024 may kindly be seen. For Admission with i)Receipt showing service of One extra copy of Writ Petition served on ASC filed. ii)Counter Affidavit on behalf of State not yet filed. Adj. to 19.11.2024 within first five cases. (WRIT BRANCH (DIVISION BENCH 2) Seat: 113, Date & Time: 2024-11-14 10:48:04.618849)
3	2024-11-19	Ordersheet dated.19.11.2024 received today from Court i.e,on 25.11.2024. Letter dated.18.11.2024 of the Tahasildar,Lanjigarh to the Collector,Kandhamal kept in record. Order dated.19.11.2024 served on AG Office and also communicated to the OPs 1 to 5 vide email and post. (WRIT BRANCH (DIVISION BENCH 2) Seat: 113, Date & Time: 2024-11-25 11:21:33.770115)
3	2024-11-19	Order No.03,dated.19.11.2024 may kindly be seen. For Admission with i)Counter Affidavit on behalf of State not yet filed. ii)As per Order dated.19.11.2024, receipt showing payment of cost of Rs-1,000/- to be deposited in the account of the Welfare Fund of Orissa High Court Bar Association by OPs not yet filed. Adj. to 26.11.2024 within first five cases. (WRIT BRANCH (DIVISION BENCH 2) Seat: 113, Date & Time: 2024-11-25 11:23:20.074131)
4	2024-11-26	Order No.04,dated.26.11.2024 may kindly be seen. For Admission with i)Counter affidavit dated.22.11.2024

	<p>filed by OPs 2 and 3 is at flag"A". ii) As per Order dated.19.11.2024, receipt showing payment of cost of Rs-1,000/- deposited in the account of the Welfare Fund of Orissa High Court Bar Association by OPs is at flag"B". Adj. to 10.12.2024</p>
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(WRIT BRANCH (DIVISION BENCH 2) Seat: 113, Date & Time: 2024-12-03 12:19:00.916736)

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IN THE HIGH COURT OF ORISSA

Case No. W.P. 19056/24

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
03	19.11.2024	<p>Ordersheet dtd. 19.11.24 received from Court today.</p> <p><u>JBWain</u> 25/11/24</p> <p><u>Order No. 03</u></p> <p>Memo No :- 34695 (5) Date :- 25.11.2024</p> <p>Order No. 03 Date 19.11.24 Communicated to. O.Ps 1 to 5</p> <p>..... for information and necessary action.</p> <p><u>JBWain</u> 25/11/24</p> <p><u>Superintendent</u> (9/c) 25.11.24</p> <p>Received a True copy of order No. 03 dtd. 19.11.24 (12.50 P.m.)</p> <p><u>Rh</u> 25.11.24</p>



CNR
Filing No
Date and Time
Case No
Registration Date and Time
Misc Case/IA
Petitioner Name
Petitioner Advocate Name
Respondents Name
Respondents Advocate
Amount
Police Station
FIR

ORISSA HIGH COURT
FILING ACKNOWLEDGEMENT SLIP

ODHC010559792024
D- WP(C)/0032931/2024
31/07/2024-12:20:08
WP(C)/19056/2024
06/08/2024

PAWAN KUMAR AGRAWAL
SAMEER KUMAR DAS
STATE OF ODISHA



Tuesday 06th of August 2024 12:20:44 PM

High Court of Orissa
Acknowledgement



CNR : ODHCO10559792024
Filing No. : D-WP(C)/32931/2024 Date of Filing : 31-07-2024
Case No : — Time of Filing : 14:42:31
Petitioner : PAWAN KUMAR AGRAWAL Respondent : STATE OF ODISHA
Petitioners Advocate : SAMEER KUMAR DAS
Amount : 0.00



[Print](#)

Objection
1. Court Fee Is Deficient.
2. Valuation Of Property Not Made
3. Authentication Fee Is Deficient.
4. Affidavit/verification Not Proper.
I.verification Not Proper.
II.Affidavit Not Proper.
III.Affidavit is Not in Proper Format As per High Court Rule Chapter-VI
5. Second Copy Of Petition Not Filed.
6. Receipt Showing Serv.copy To Ag/cg/it/ct/etc.not Filed.
I.Receipt Showing Serv.copy To etc. not Filed.
II.Receipt Showing Serv.copy To it not Filed.
III.Receipt Showing Serv.copy To ct not Filed.
IV.Receipt Showing Serv.copy To Ag not Filed.
V.Receipt Showing Serv.copy To cg not Filed.
VI.Receipt Showing Serv.copy To School and Mass Education not Filed.
VI.Receipt Showing Serv.copy To Vigilance not Filed.
VII.Receipt Showing Serv.copy To CBI not Filed.
VIII.Receipt Showing Serv.copy To E.D. not Filed.
7. Vakalatnama Not Properly Stamped,executed,accepted.
8. Cause Title Not In Order.
9. Provision Of Law Not Furnished On Top Of Cause Title.
10. Subject Code Not Furnished/incorrectly Mentioned
I.Subject Code Not Furnished .
II.Subject Code incorrectly Mentioned
11. Neat,legible Attested Annexures Not Filed.
12. Assesment Slip Not Filled-in Properly.
13. Application Contains More Than One Prayer.
14. Not Properly Indexed.
15. All Papers Not Properly Signed.
16. Petition/appeal Not In Time
I.Appeal Not In Time
II.Petition Not In Time
17. Reference Certificate Not Furnished.
18. Certified Copy Of Trial/appellate Court Order Not Filed

I.Certified Copy Of Trial Court Order Not Filed
II.Certified Copy Of appellate Court Order Not Filed
19. Undertaking For Non Filing Of Translated Copy Not Filed
20. Vernacular Certificate Not Furnished.
21. Statutory Deposit/awarded Amount Not Deposited.
I.Statutory awarded Amount Not Deposited.
II.Statutory Deposit Amount Not Deposited.
22. Requisites Not Filed.
23. Nomenclature Not Correctly Furnished .
24. Limitation Not In Time / Expired.
I.Limitation Not In Time.
II.Limitation Expired.
25. Names In Capital Letters/enrolment Numbers/mobile Phone Numbers Of All The Signing Advocates Not Indicated
I.Names In Capital enrolment Numbers Of All The Signing Advocates Not Indicated
II.Names In Capital Letters Of All The Signing Advocates Not Indicated
III.mobile Phone Numbers Of All The Signing Advocates Not Indicated
26. Petitions/appeals/applications Not In Superior Quality A4 Size Paper/less Than 75 Gsm Paper
I.Petitions In less Than 75 Gsm Paper
II.Applications less Than 75 Gsm Paper
III.Petitions Not In Superior Quality A4 Size Paper.
IV.Appeals less Than 75 Gsm Paper
V.Applications Not In Superior Quality A4 Size Paper
VI.Appeals Not In Superior Quality A4 Size Paper
27. Petitions/appeals/application Not In Proper Font/not In Proper Font Size
I.Appeals not In Proper Font Size
II.Petitions not In Proper Font Size
III.Application Not In Proper Font
IV.Petitions Not In Proper Font
V.Appeals Not In Proper Font
VI.Application not In Proper Font Size
28. Petitions/appeals/application Margin Not Proper/line Spacing Not Proper
I.Petitions Margin Not Proper
II.Application line Spacing Not Proper

III.Application Margin Not Proper
IV.Appeals line Spacing Not Proper
V.Petitions line Spacing Not Proper
VI.Appeals Margin Not Proper
29. Name Of The Filing Advocate Not In Capital Letters/enrolment Number Not Indicated Wherever Signature Of Such Advocate Appearing In The Petition/appeal/application
I.Name Of The Filing Advocate Not In Capital Letters In The appeal
II.Enrolment Number Not Indicated Wherever Signature Of Such Advocate Appearing In The appeal
III.Enrolment Number Not Indicated Wherever Signature Of Such Advocate Appearing In The Petition
IV.Name Of The Filing Advocate Not In Capital Letters In The application
V.Enrolment Number Not Indicated Wherever Signature Of Such Advocate Appearing In The application
VI.Name Of The Filing Advocate Not In Capital Letters In The Petition
30. Other Defect (if Any)
I.Others if any
II.Petition not correctly addressed to Honorable Court

Objection to be complied
6.IV.Receipt Showing Serv.copy To Ag not Filed.

Remarks:

Bench : Division

Roster : Writ Petitions relating to Mines & Minerals.

(Stamp reporting done by Laxmidhar Mohapatra) Date & Time : 2024-08-01 03:23:50pm

This is system generated.Signature is not required

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D-WP(C)-32931/2024

1. RFA/RSA/FAO/SAO/LPA/SPA/CRP/Review pet/O. Ref/EXFA/EXSA/SM/APP Tr. P(c) WP (c)/WA/SCLP/Co. Appl/Co. Pet/Co. Case/Co. App/Bkg, P/Mat. A/Mat Ref/RP (FAMCT) Test Case / Intest. Case/L.A. Ref/ RCFA/ L.A.A./RCSA/RE Rev/MAC/MAC APP/EL Pet/ ELAPP/Arb, P/Arb. A/Arb. A/Insurance Ref/Cont. Cas(c)/Coutd. App (c) / MFA(name of the Act)/MSA/SP. JC (name of the Act) Cri A/Cri. Rev/Ckl. M. C/ BLAPI/Cal. MAPPI/WP (cr) CUSREF STREV.

Case Type W.P (C) No 19056 / 2024 Date of Regn.

2. If 'State' is Party, Name of the Deptt: (Pet/Res) [Put Mark]

If Public Undertakings (Specify name): (Pet/Res) [Put Mark]

3. (a) Number of Category under which the matter fails:

3 / 1

0 / 7

9 / 9

If Others, Specify the subject _____

(b) Which is applicable? [Put Mark]

(Single Bench/Div. Bench/Three Judge Bench/Five Judge Bench)

4. Article of the Constitution/Act (Central/State) [Put Mark]

Article 226 and 227 of the
Constitution of India

5. Section/Sub-Section Involved _____

6. Rules Involved _____

7. Whether any other matter is pending in this Court on the same point of law :
If so, give the number of matter : _____

8. Whether any other matter is pending against the impugned order/Judgement?
if so give the number of matter _____

9. Whether the matter is covered by any judgement of. the Supreme Court this Court or
any other High Court, If so give the details of the judgement

10. Point of law involved in the matter _____

Date 31.7.24

Signature of the Advocate



SAMEER KUMAR DAS
Enrollment No.O-635/92
Ph. No.9437172660

IN THE HIGH COURT OF ORISSA, CUTTACK

(ORIGINAL JURISDICTION CASE)

W.P. (C) NO. 19056 of 2024

(Code No. 310799)

Pawan Kumar Agrawal

...Petitioner

-Versus-

State of Odisha and others

... Opp. Parties

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5.	<u>Annexure-2</u>	
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6.	<u>Annexure-3</u>	
	Copy of the order dtd: 04.02.2023	- 21-23 -
7.	<u>Annexure-4</u>	
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8. Annexure-5

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- 26-27 -

9. Annexure-6

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16. VAKALATNAMA

Cuttack

Dated 28-7-24

By the Petitioner through
Advocate

A

SAMEER KUMAR DAS
Enrollment No. O-635/92
Ph. No. 9437172660

IN THE HIGH COURT OF ORISSA, CUTTACK

(ORIGINAL JURISDICTION CASE)

W.P.(C) No. 19056 of 2024

Pawan Kumar Agrawal

(Code No. 310799)

...Petitioner

-Versus-

State of Odisha and others

...Opp. Parties

SYNOPSIS:

The petitioner in this case prays for quashing of the letter no. 143 dtd: 02.07.2024 of the Opp. Party No.5 under Annexure-12 rejecting the claim of the recommendation of the Tahasildar, Lanjigarh under Annexure-11 by a non-speaking and unreasoned order, though this Hon'ble Court has directed in the earlier W.P.(C) No. 7879 of 2024 to the Collector, Kalahandi to take a decision on the recommendation dtd: 02.09.2023 of the Opp. Party No.3. Further the petitioner prays for a direction to the Opp. Party No.2 to allow the petitioner to operate the stone quarry over Plot No. 61 and 32 of Mouza Tadabala-2 over Ac 5.00 land as the petitioner has already been declared as the successful bidder in order dtd: 21.01.2023 of the competent authority and in obedience to such order he has already deposited Rs. 21,480,90/- on 04.02.2023 towards security money.

Cuttack

Dtd: 28.07.2024


(Sameer Kumar Das)

Advocate for the Petitioner.


B

LIST OF DATES AND EVENTS:

- 02.01.2023:-** Tahasildar, Langigarh floated a tender for Tadabala stone quarry over Khata No. 32, Plot No. 78 for a year of Ac 5.00 decimal Kisam Dunguri in advertisement dtd: 02.01.2023. (Annexure-1, Page- 15-19)
- 21.01.2023:-** The petitioner was successful bidder and the intimation was issued by the Tahasildar, Langigarh in letter no. 126 with a further direction to the petitioner to deposit the acceptance amount to the tune of Rs. 21,480,90/- towards interest free security deposit. (Annexure-2, Page-20)
- 04.02.2023:-** The petitioner has deposited the security amount of Rs. 21,480,90/- and obtained the receipt from the office of the Opp. Party No.3. (Annexure-3, Page-21-23)
- 08.02.2023:-** The petitioner was waiting for a reply from the authorities to operate the quarry a joint demarcation report of Tadabala stone quarry was submitted to the Opp. Party No.3 on 08.02.2023 pointing out inter-alia that the actual extraction of stone has to be made over Plot No.61 and 32 instead of Plot No. 78. (Annexure-5, Page-26-27)
- 17.02.2023:-** The Opp. Party No.3 pointed out the discrepancies to the Collector, Kalahandi with a further request to alter the Plot number from the aforesaid quarry from Plot No. 78 to Plot No.61 and 32 in order no. 279. (Annexure-6, Page-28-31)
- 22.03.2023:-** On receipt of the letter of the Opp. Party No.3 dtd: 17.02.2023 Collector, Kalahandi in his letter no. 168 without application of mind directed to cancel the lease and to take fresh step for auction. (Annexure-7, Page- 32)

- 27.03.2023:-** The Opp. Party No.3 in his letter no. 541 canceled the auction stood in favour of the petitioner. (Annexure-8, Page-33)
- 27.07.2023:-** The petitioner filed a representation to the Collector, Kalahandi to review its decision dtd: 22.03.2023 and to allow him to operate the quarry over Plot No.61 and 32 as suggested by the Opp. Party No.3. (Annexure-9, Page-34)
- 25.08.2023:-** The grievance petition of the petitioner the Collector, Kalahandi in letter no. 327 directed the Opp. Party No.3 to cause a further detail inquiry into the matter and furnish a factual report. (Annexure-10, Page-35)
- 02.09.2023:-** The report was submitted with the finding that the auction over the Plot No. 61 and 32 ought to have been carried on instead of Plot No. 78 as the Plot No. 78 is an objectionable plot. (Annexure-11, Page-36-38)
- 05.04.2024:-** The petitioner filed W.P.(C) No. 7879 of 2024 which was disposed of with a direction to the Collector, Kalahandi to take a decision in the matter of stone quarry in favour of the petitioner as per the recommendation of the Tahasildar, Lanjigarh.
- 02.07.2024:-** The Opp. Party No.5 in district office letter no. 143/Touzi dtd: 02.07.2024 declined to consider the recommendation under Annexure-11. (Annexure-12, Page-39)

Cuttack
Dtd: 28.07.2024


(Sameer Kumar Das)
Advocate for the Petitioner.

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK



30380

SAMEER KUMAR DAS
Enrollment No. O-635/92
Ph. No. 9437172660

IN THE HIGH COURT OF ORISSA: CUTTACK
(ORIGINAL JURISDICTION CASE)

W.P. (C) No. 19056 of 2024

(Code No: 310799)

In the matter of:

An application under Article 226 and 227 of the Constitution
of India;

And

In the matter of:

An application for quashing of the letter no. 143 dtd:
02.07.2024 of the ADM (Revenue), Kalahandi under
Annexure-12 and to allow the petitioner to operate the stone
quarry over Khata No. 32 and Plot No. 61 and 32 of Tadabala-2
over Ac. 5.00 decimal of Kisam Dunguri for a period of five
years as per the terms of the bid.

And

In the matter of:

Pawan Kumar Agrawal, aged about 59 years, son of late
Kashiram Agrawal, At/PO-Lanjigarh Road, P.S-Narla, Dist-
Kalahandi.

.... **Petitioner**

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

-Versus-

1. State of Odisha, represented through its Principal Secretary,
Revenue and Disaster Management Department, Lok Seva
Bhawan, Bhubaneswar, Dist-Khurda.
2. Collector, Kalahandi, At/P.O.-Bhawanipatna, Dist-Kalahandi.
3. Tahasildar, Lanjigarh @ Biswanathpur, At/P.O.-Biswanathpur,
Dist-Kalahandi.
4. District Mining Officer, Kalahandi, At/PO-Bhawanipatna, Dist-
Kalahandi.
5. ADM (Revenue), Kalahandi, At/PO-Bhawanipatna, Dist-
Kalahandi.

.... Opposite Parties

The matter out of which this writ petition arises was before this
Hon'ble Court in W.P.(C) No. 7879 of 2024 disposed of on
05.04.2024;

To

The Hon'ble Chief Justice of Orissa High Court and His Lordships
Companion Justices of the said Hon'ble Court;

The humble petition of the
above named Petitioner;

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK


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MOST RESPECTFULLY SHEWETH:

1. That the petitioner in this case prays for quashing of the letter no. 143 dtd: 02.07.2024 of the Opp. Party No.5 under Annexure-12 rejecting the claim of the recommendation of the Tahasildar, Lanjigarh under Annexure-11 by a non-speaking and unreasoned order, though this Hon'ble Court has directed in the earlier W.P.(C) No. 7879 of 2024 to the Collector, Kalahandi to take a decision on the recommendation dtd: 02.09.2023 of the Opp. Party No.3. Further the petitioner prays for a direction to the Opp. Party No.2 to allow the petitioner to operate the stone quarry over Plot No. 61 and 32 of Mouza Tadabala-2 over Ac 5.00 land as the petitioner has already been declared as the successful bidder in order dtd: 21.01.2023 of the competent authority and in obedience to such order he has already deposited Rs. 21,480,90/- on 04.02.2023 towards security money.

2. That the petitioner is a citizen of India and permanently residing in the State of Odisha. The cause of action for filing the writ application arises within the territorial jurisdiction of this Hon'ble Court.

3. That Tahasildar, Lanjigarh floated a tender for Talabala stone quarry- over Khata No. 32 Plot No. 78 for a year of Ac 5.00 decimal

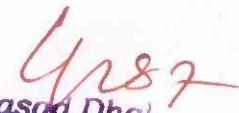

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

Kisam Dunguri, in advertisement dtd: 02.01.2023. Copy of the tender call notice dtd: 02.01.2023 is annexed herewith as Annexure-1.

4. That in obedience to the tender call notice, the petitioner has participated in the bid by submitting the papers in the prescribed form and prescribed manner. In fact the petitioner was the successful bidder and the intimation was issued by the Tahasildar, Lanjigarh in letter no. 126 dtd: 21.01.2023 with a further direction to the petitioner to deposit the acceptance amount to the tune of Rs. 21, 480, 90/- towards interest free security deposit. In addition to that the petitioner was also directed to deposit Rs. 40000/- for charge for preparation of mining plan. However he was intimated the deposit clearance fees in a later date. Copy of the letter dtd: 21.01.2023 is annexed herewith as Annexure-2.

5. That in obedience to the order under Annexure-2 the petitioner has deposited the security amount of Rs. 21,480,90/- on 04.02.2023 and obtained the receipt from the office Opp. Party No.3. Copy of the order dtd: 04.02.2023 is annexed herewith as Annexure-3.


6. That immediately after deposit of the security money the petitioner has requested the Collector, Kalahandi to allow him to operate the stone quarry in question. Copy of the representation of the petitioner is annexed herewith as Annexure-4.


Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

7. That while the petitioner was waiting for a reply from the authorities to operate the quarry a joint demarcation report of Tadabala stone quarry was submitted to the Opp. Party No.3 on 08.02.2023 pointing out inter-alia that the actual extraction of stone has to be made over Plot No. 61 and 32 instead of Plot No. 78, as Plot No. 78 consist of forest growth and thereby patches of private plots before reaching this Plot No. 78. Copy of the report dtd: 08.02.2023 is annexed herewith as Annexure-5.

8. That basing on such report the Opp. Party No.3 pointed out the discrepancies to the Collector, Kalahandi with a further request to alter the Plot number from the aforesaid quarry from Plot No. 78 to Plot No. 61 and 32. Copy of the letter no. 279 dtd: 17.02.2023 of the Opp. Party No.3 is annexed herewith as Annexure-6.

9. That on receipt of the letter of the Opp. Party No.3 dtd: 17.02.2023 Collector, Kalahandi in his letter no. 168 dtd: 22.03.2022 without application of mind directed to cancel the lease and to take fresh step for auction. Without causing any delay, the Opp. Party No.3 in his letter no. 541 dtd: 27.03.2023 canceled the auction stood in favour of the petitioner. For better appreciation of the case the copy of the letter of the Collector, Kalahandi dtd: 22.03.2023 and the letter of the Opp. Party



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No.3 dtd: 27.03.2023 are annexed herewith as Annexure-7 and 8 respectively.

10. That it is humbly submitted that the petitioner has invested huge sum of money for development of the quarry site by preparing the approach road and making necessary provisions for water supply to the site in order to avoid environmental pollution, besides the facts he had already deposited the security money to the tune of Rs. 21,480,90/-. Accordingly the petitioner filed a representation on dtd: 27.07.2023 to the Collector, Kalahandi to review its decision dtd: 22.03.2023 and to allow him to operate the quarry over Plot No. 61 and 32 as suggested by the Opp. Party No.3. Copy of the representation of the petitioner dtd: 27.07.2023 is annexed herewith as Annexure-9.


11. That on consideration of the grievance petition of the petitioner the Collector, Kalahandi in letter no. 327 dtd: 25.08.2023 directed the Opp. Party No.3 to cause a further detail inquiry into the matter and furnish a factual report. Copy of the letter dtd: 25.08.2023 is annexed herewith as Annexure-10.

12. That in obedience to the order dtd: 25.08.2023 of the Collector, the Tahasildar deputed a committee to cause a spot enquiry of the site and pointed its view. The report was submitted on dtd: 02.09.2023 with

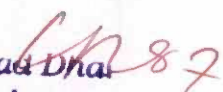

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Advocate
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the finding that the auction over the Plot No. 61 and 32 ought to have been carried on instead of Plot No. 78 as the Plot No. 78 is an objectionable plot. It has been further clarified that since there was pillar casting and hooding over Plot No. 61 and 32 by mistake it has been wrongly mentioned as Plot No. 78, for which the lease could not be accepted. Therefore the Opp. Party No.3 has suggested that since the auction has already been conducted and sole plot has already been objected and Plot No. 61 and 32 are the plots to be auctioned. For a wrong in demarcation of Plot No. 78 instead of Plot No. 62 and 32 the matter has been confused. Therefore, the ends of justice would meet if there will be change in plot number. Copy of the letter dtd: 02.09.2023 is annexed herewith as Annexure-11.

13. That it is humbly submitted that though more than six months have been passed in the meantime, Collector, Kalahandi is sitting tight over the matter. In the process the poor petitioner who has invested huge sum of money is suffering for no fault of his own. With the bonafide believe that the bid and the auction was correct in all respect, he has participated in the process of tender and having declared the successful bidder has also paid the required security money, and in addition to that has also spent huge money for development of the site including the


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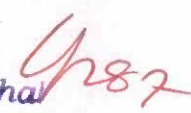
construction of approach road to Plot No. 61 and 32 and procured machines and tools. The petitioner was hopeful that the report of the Opp. Party No.3 dtd: 17.02.2023 and 02.09.2023 will yield fruit for him. But the Collector is sitting tight over the matter for a considerable time, for which more than a year has been elapsed in the meantime against the 5 years lease. There is also no fresh tender as suggested by the Collector, Kalahandi in his letter dtd: 22.03.2023. On the contrary considering the grievance petition of the petitioner, Collector, Kalahandi has accepted the prayer of the petitioner and directed for an inquiry. Accordingly, the report has also been submitted on dtd: 02.09.2023. But the Collector, Kalahandi is sitting over the matter and in consequence the petitioner is moving from pillar to post to get justice. The petitioner is sustaining huge loss by this process. As it understood from the records, for the fault of the authorities in identifying the Plot Numbers the petitioner is suffering. Though the stone quarry was over Plot No. 61 and 32 in Talabada-2, it has been wrongly mentioned as Plot No. 78, which is a forest land. This is a curable mistake and for which the Opp. Party No.3 has recommended for correction of the plot numbers by the Collector. Though the Collector, Kalahandi has shown his inclination into the


Jitendra Prasad Dhal
Advocate
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matter by directing for a further spot enquiry, but thereafter no further action in the matter.

14. That for the mistake of the authorities as admitted in a report dtd: 02.09.2023, the petitioner is moving from pillar to post. There was pillar posting and erection of boards over Plot No. 61 and 32. However the wrong has been committed by the Revenue Inspector by demarketing Plot No. 78 for the tender. But Plot No. 78 is an objectionable plot and the intention of the bid was to put Plot No. 61 and 32 into the quarry. In such circumstances, the Collector should have rectified its own mistake instead of punishing the petitioner by cancelling the tender unilaterally which causes serious prejudice to the petitioner.

15. That it is respectfully submitted that despite the recommendation made by the Tahasildar, Lanjigarh under Annexure-11, no decision was taken by the Collector, Kalahandi, for which the petitioner has moved this Hon'ble Court in W.P.(C) No. 7879 of 2024. On consideration of the case this Hon'ble Court was please to dispose of the case vide order dtd: 05.04.2024 directing the Collector, Kalahandi to take a decision in the matter of stone quarry in favour of the petitioner as per the recommendation of the Tahasildar, Lanjigarh. For better appreciation of


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the case the order dtd: 05.04.2024 passed in W.P.(C) No. 7879 of 2024 is quoted as hereunder:

W.P.(C) No. 7879 of 2024

ORDER

05.04.2024

Order No. 1

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Das, learned counsel appearing for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking direction to opposite party no.2-Collector, Kalahandi to take a decision on the report dated 02.09.2023 of opposite party no.3-Tahasildar, Lanjigarh @ Biswanathpur notwithstanding previous orders of opposite parties no.2 & 3 dated 22.03.2023 and 27.03.2023 under Annexure-7 & 8 respectively.

4. As it appears, the petitioner made a grievance before opposite party no.2 to consider him to continue as successful bidder for operation of Tadabala Stone Quarry-02 under Lanjigarh Tahasil by correcting the plot number from the District Survey Report on minor minerals and to revoke the cancellation order vide letter dated 22.03.2023. On the basis of such grievance, opposite party no.2, vide letter dated 25.08.2023 under Annexure-10, intimated opposite party no.3 to enquire into the grievance petition of the petitioner, pursuant to which he submitted his report before opposite party no.2 vide Annexure-11 dated 02.09.2023, which is pending for consideration.

5. In the above view of the matter, this Court disposes of this writ petition with a direction to opposite party no.2 to take a decision on Annexure-11 dated 02.09.2023, the recommendation/report submitted by opposite party no.3 as expeditiously as possible, preferably within a period of three months from the date of production/communicated of this order.

Sd./- Dr. B.R. Sarangi, J

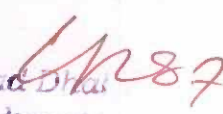
Sd./- G. Satapathy, J

16. That it is not out of place to mention here that the though in the entire matter no fault can be attributed to the petitioner, the authorities have punished the petitioner. As it evident from Annexure-11, for the

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wrong demarcation, the poor petitioner has put to unnecessary suffering even after depositing the earnest money to the tune of Rs. 21,48,090/-. On consideration of the fact the Hon'ble Court was pleased to direct the Opp. Parties to take a decision on the report under Annexure-11. But unfortunately, the Opp. Party No.5 in district office letter no. 143/Touzi dtd: 02.07.2024 declined to consider the recommendation under Annexure-11. No reason whatsoever has been assigned in the order, save and except stating inter-alia that there is discrepancy in land schedule in respect of Tadabala-1 & 2 stone quarry. Copy of the letter dtd; 02.07.2024 is annexed herewith as Annexure-12.



17. That it is respectfully submitted that the discrepancy in the land schedule is only due to the fault of the authorities, not for the petitioner. As per the requirement, the petitioner has already deposited the required amount to the tune of Rs. 21,48,090/- and for which he has also obtained the receipt under Annexure-3. The Tahasildar, Lanjigarh has candidly admitted the fact in his recommendation under Annexure-11. Furthermore, the quarry in question was also recommended in favour of another person in the earlier occasions, which has been demarcated and necessary signboard was also placed on the site with due approval of the competent authorities. Therefore, at this stage denying the quarry to the


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petitioner on the mere technicality without correcting the plot number, is an act of arbitrariness and humiliation to the petitioner. Furthermore, the order dtd: 02.07.2024 is a non-speaking and unreasoned order. The law is well settled that every administrative order should be reasoned one and therefore the poor petitioner should not be victimized at the hand of administrative authorities. Therefore, the order under Annexure-12 is unsustainable and liable to be quashed.

18. That at the cost of repetition it is humbly submitted that the petitioner has already invested huge sum of money in order to enable him to operate the quarry. Despite best of his effort now his tools and machineries procured for the purpose are became burden on him as he has invested a huge amount for the purpose by taking loans. In the circumstances and for the ends of justice this Hon'ble Court be pleased to direct the Opp. Party No.2 to operate the quarry in question over Plot No. 61 and 32 of Tadabala-2 stone quarry as he has already paid the required amount or else he will be highly prejudiced.

19. That for the ends of justice and for proper adjudication of the matter the petitioner has no other speedy and efficacious remedy other than invoking the extra ordinary jurisdiction of this Hon'ble Court under Articles 226 and 227 of the Constitution of India.



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PRAYER

Under the above circumstances, it is therefore humbly prayed that the Hon'ble Court be graciously pleased to quash the letter no. 143 dtd: 02.07.2024 of the ADM (Revenue), Kalahandi under Annexure-12 and direct the Opp. Party No.2 to allow the petitioner to operate the quarry in question over Plot No. 61 and 32 of Tadabala-2 stone quarry as he has already paid the required amount or else he will be highly prejudiced;

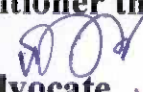
And/or pas any other appropriate writ/writs, order/orders and direction/directions in the fitness of the case;

And for this act of kindness as in duty bound the Petitioner shall ever pray.


Cuttack

Dtd: 28.7.24

By the Petitioner through


Advocate

SAMEER KUMAR DAS
EN.No-0-635/92
9437172660

Surendra Prasad Das 
Advocate
NOTARY, CUTTACK



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AFFIDAVIT

1. Pawan Kumar Agrawal, aged about 59 years, At/PO-Lanjigarh Road, P.S-Narla, Dist-Kalahandi.
2. Father's name: late Kashiram Agrawal
3. Number of proceedings pending in the High Court or would be instituted (Caveat): No
4. Statement of Facts: As per averments in the Writ Petition.
5. The facts stated are true to the best of the knowledge and belief of the deponent.

Declaration

I, Pawan Kumar Agrawal, is the Petitioner in the Writ Petition and Deponent in this affidavit. The above named deponent do hereby solemnly affirm that the facts stated in paragraphs 1 to 19 are true to my own knowledge and in paragraph 1 to 19 are true to the best of my information which I obtained from my personal sources:-

I, believe the information to be true for the following reasons:
Basing upon official records and personal information.

Solemnly declare at the above said this 28th day of July, 2024.

Identified by

Advocate

Solemnly affirm before me by P. K. Agrawal who is identified before me by P. K. Dehena whom I personally know.
This 28th day of July, 2024.

Pawan Kumar Agrawal

Deponent

Advocate

The above named Deponent

Solemnly affirm on

P. K. Agrawal Being Identified

by P. K. Dehena

Surendra Prasad Dha

Advocate

NOTARY, CUTTACK



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ANNEXURE-1

31 JUL 2024

ତହସିଲଦାରଙ୍କ କାର୍ଯ୍ୟାଳୟ, ଲାଞ୍ଜିଗଡ଼, ଜି : କଳାହାଣ୍ଡି

ସଂଖ୍ୟା: ୫

ତାରିଖ 02.01.2023

ଲଘୁ ଖଣିଜ ଉତ୍ସର ଲିଜ ସକାଶେ ଇସ୍ତାହାର

ଏତଦ୍‌ଦ୍ୱାରା ସର୍ବସାଧାରଣଙ୍କ ଅବଗତ ନିମନ୍ତେ ଜଣାଇ ଦିଆ ଯାଉଛି ଯେ, ଓଡ଼ିଶା ସରକାରଙ୍କ ରାଜସ୍ୱ ଓ ବିପର୍ଯ୍ୟୟ ପରିଚାଳନା ବିଭାଗ ଅଧିନସ୍ଥ ଲାଞ୍ଜିଗଡ଼ ତହସିଲ ଅନ୍ତର୍ଗତ ଲଘୁ ଖଣିଜ ଖାଦାନ ଗୁଡ଼ିକର ୫ (ପାଞ୍ଚ) ବର୍ଷ ନିମନ୍ତେ ଲିଜ ମକାଶେ ଦରଖାସ୍ତ ଆହ୍ୱାନକରାଯାଉଅଛି । ଇଚ୍ଛୁକ ବ୍ୟକ୍ତି ଦରଖାସ୍ତଗୁଡ଼ିକ ନିମ୍ନ ସ୍ୱାକ୍ଷରକାରୀଙ୍କ କାର୍ଯ୍ୟାଳୟରେ ତା 17.01.2023 ରିଖ ଅପରାହ୍ନ ଘ. 01.00 ପୂର୍ବା ତହସିଲ କାର୍ଯ୍ୟାଳୟରେ ଥିବା ବ୍ରାଉ ଟ୍ରେରେ ପକାଇବେ । ଏ ସମ୍ପର୍କ ସମସ୍ତ ତଥ୍ୟବଳି District Web site (www.kalahandi.nic.in) ରୁ ପାଇ ପାରିବେ ।

ତହସିଲଦାର, ଲାଞ୍ଜିଗଡ଼
TAHASILDAR
LANJIGARH

Memo No. ୫

Date 02.01.2023

Copy to the DIO, NIC, Kalahandi with a request to upload the same in the District Website.

ତହସିଲଦାର, ଲାଞ୍ଜିଗଡ଼
TAHASILDAR
LANJIGARH

Memo No. ୬

Date 02.01.2023

Copy submitted to the Addl. District Magistrate, Kalahandi / Sub-Collector, Bhawanipatna for favour of kind information and necessary action.

ତହସିଲଦାର, ଲାଞ୍ଜିଗଡ଼
TAHASILDAR
LANJIGARH

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ତହସିଲଦାରଙ୍କ କାର୍ଯ୍ୟାଳୟ, ଲାଞ୍ଜିଗଡ଼, ଜି : କଳାହାଣ୍ଡି

ସଂଖ୍ୟା: ୫

ତାରିଖ ୦୨.୦୧.୨୦୨୩

ଲଘୁ ଖଣିଜ ଉତ୍ତର ଦୀର୍ଘ ମିଆଦୀ ଲିଜ ନିମନ୍ତେ ବିଜ୍ଞାପନ

ଏତଦ୍ୱାରା ସର୍ବସାଧାରଣଙ୍କ ଆବେଦନ ନିମନ୍ତେ ଜଣାଇ ଦିଆଯାଉଅଛି ଯେ, ଓଡ଼ିଶା ସରକାରଙ୍କ ରାଜସ୍ୱ ଓ ବିପର୍ଯ୍ୟୟ ପରିଚାଳନା ବିଭାଗ ଅଧୀନ ଲାଞ୍ଜିଗଡ଼ ତହସିଲ ଅନ୍ତର୍ଗତ ନିମ୍ନଲିଖିତ ଲଘୁ ଖଣିଜ ଉପ ଗୁଡ଼ିକର ୫ (ପାଞ୍ଚ) ବର୍ଷ ନିମନ୍ତେ ଲିଜ ପାଇଁ ସଂଲଗ୍ନିତ ସାରଣୀ ମୁତାବକ ତହସିଲଦାର ଲାଞ୍ଜିଗଡ଼ ଦ୍ୱାରା ନିର୍ଦ୍ଧାରିତ । ଲିଜ ଅବଧି ଓଡ଼ିଶା ଲଘୁ ଖଣିଜ ଦ୍ରବ୍ୟ ନିୟମ - ୨୦୧୬ ଅନୁସାରେ ଶେଷ ପ୍ରକ୍ରିୟା କରଣ (ପରିବେଶ ମଞ୍ଜୁରୀ) ଠାରୁ ଆରମ୍ଭ ହେବ । ଲଘୁ ଖଣିଜ ବିଶେଷ OMMC (Amendment) Rules, 2016 ର Form-M ପୂରଣକରି ଏହାର ଟିନି କପି ସହ ନିମ୍ନଲିଖିତ କାରାଗାର ସଂଲଗ୍ନ କରି ଜରମୁଦ ଲଫାପାରେ ସରକାର ଉତ୍ତର ନାମ ଲେଖ୍ୟ କରି ଆବେଦନ କରିବେ, ଯାହାକି ନିମ୍ନ ଧାର୍ଯ୍ୟ ତାରିଖ ଅନୁଯାୟୀ ଆବେଦନ କରିବେ । ଧାର୍ଯ୍ୟ ତାରିଖ ଦିନ ଯେଉଁ ଉପଗୁଡ଼ିକ ନିର୍ଦ୍ଧାରିତ ହୋଇ ନ ପାରିବ, ତାହା ବ୍ରିତାନ୍ୟ ପର୍ଯ୍ୟାୟରେ ସମ୍ପାଦନ କରାଯିବ ।

କ୍ରମିକ ସଂଖ୍ୟା	ପର୍ଯ୍ୟାୟ	ଆବେଦନର ଶେଷ ତାରିଖ ଓ ସମୟ	ଚେଷ୍ଟର ଖୋଲାଯିବାର ତାରିଖ ଓ ସମୟ
1	ପ୍ରଥମ	17.01.2023/ଘ 01.00 ଅପରାହ୍ନ	17.01.2023/ଘ 04.00 ଅପରାହ୍ନ
2	ଦ୍ୱିତୀୟ	27.01.2023/ଘ 01.00 ଅପରାହ୍ନ	27.01.2023/ଘ 04.00 ଅପରାହ୍ନ

ଜରମୁଦ ଲଫାପାଗୁଡ଼ିକ ନିମ୍ନ ସ୍ୱାକ୍ଷରକାରୀଙ୍କ କାର୍ଯ୍ୟାଳୟରେ ଥିବା ଚେଷ୍ଟର ବାବୁରେ ପକାଇବେ, କିମ୍ବା ରେଜିଷ୍ଟ୍ରାର୍ / ସ୍ୱାତ ପୋଷ୍ଟ କରିଥାନ୍ତେ ଲଘୁ ଖଣିଜ ନିୟମ - ୨୦୧୬ ର ଧାରା ୨୭ (୪) ଅନୁସାରେ ସମସ୍ତ ଦଲିଲ ସଂଲଗ୍ନ କରି ଲିଜ ପାଇଁ ଧାର୍ଯ୍ୟ ତାରିଖ ମଧ୍ୟରେ ତହସିଲ କାର୍ଯ୍ୟାଳୟରେ ପହଞ୍ଚିବା ଆବଶ୍ୟକ । ଉକ୍ତ ସମୟ ଅବଧି ପରେ କୌଣସି ଚେଷ୍ଟର କାରାଗାର ଗ୍ରହଣୀୟ ନୁହେଁ । ତାଙ୍କ ଜନିତ ବିବସ୍ତ୍ର ପୋର୍ଟୁ କର୍ତ୍ତୃପକ୍ଷ ଦାୟୀ ରହିବେ ନାହିଁ । ଅସମ୍ପୂର୍ଣ୍ଣ ଦରଖାସ୍ତ ଏବଂ ଧାର୍ଯ୍ୟ ସମୟ ପରେ ପ୍ରାପ୍ତ ହୋଇଥିବା ଦରଖାସ୍ତଗୁଡ଼ିକୁ ବିଚାରକୁ ନିଆଯିବ ନାହିଁ । ଧାର୍ଯ୍ୟ ତାରିଖ ଓ ସମୟରେ ତହସିଲଦାର ଓ ଲିଜ ଦରଖାସ୍ତକାରୀ କିମ୍ବା ତାଙ୍କ ପ୍ରତିନିଧିଙ୍କ ଉପସ୍ଥିତିରେ ଦରଖାସ୍ତଗୁଡ଼ିକ ଚଳନ୍ତ କରାଯାଇ ଯୋଗ୍ୟ ଲିଜ ଧାରି ତୟନ କରାଯିବ । ଲଘୁ ଖଣିଜ ଖାଦାନ ଓ ଲିଜ ସମ୍ବନ୍ଧୀୟ ସମସ୍ତ ସର୍ତ୍ତାବଳି ତହସିଲ କାର୍ଯ୍ୟାଳୟରେ (ବ୍ରିଟିସ୍ ବ୍ୟତୀତ) ସମସ୍ତ କାର୍ଯ୍ୟ ବିବସ୍ତରେ ମିଳି ପାରିବ । ଏହା ମଧ୍ୟ ଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ, କଳାହାଣ୍ଡି / ଉପ-ଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ, ଭବାନିପାଟଣା / ଗୋଷୀ ଉନ୍ନୟନ ଅଧିକାରୀ, ଲାଞ୍ଜିଗଡ଼ / ସମ୍ପୃକ୍ତ ଗ୍ରାମ ପଞ୍ଚାୟତ କାର୍ଯ୍ୟାଳୟ / ସମସ୍ତ ରାଜସ୍ୱ ନିରୀକ୍ଷକଙ୍କ କାର୍ଯ୍ୟାଳୟ ନୋଟିସ୍ ବୋର୍ଡ଼ ଓ www.kalahandi.nic.in ରେ ମିଳି ପାରିବ । ଧାର୍ଯ୍ୟ ତାରିଖ ଓ ସମୟ ଅତିବାହିତ ହେଲା ପରେ କୌଣସି ଦରଖାସ୍ତ ଗ୍ରହଣୀୟ ନୁହେଁ । ଅସମ୍ପୂର୍ଣ୍ଣ ଦରଖାସ୍ତଗୁଡ଼ିକୁ ବାଟିଲ କରାଯିବ । କୌଣସି କାରଣ ନ ଦର୍ଶାଇ ଲିଜକୁ ସ୍ଥଗିତ ବା ରଦ୍ଦ କରିବାର କ୍ଷମତା ନିମ୍ନ ସ୍ୱାକ୍ଷରକାରୀଙ୍କ ରହିଅଛି ।

ଦାଖଲ କରିବାକୁଥିବା କାରାଗାର

୧. ଦରଖାସ୍ତ ଟିକ ପାଇଁ ଟ.୧୦୦୦/- (ଏକ ହଜାର ଟଙ୍କା)ର ଟ୍ରେଜେରୀ ଚାଲଣ ଯାହାକି ଫେରସ୍ତ ଯୋଗ୍ୟ ନୁହେଁ । Head of Account: 0853-Non-Ferrous Mining and Metallurgical Industries-102-Mineral Concession Fees, Rents and Royalties. (0853-00-102-0217-02021-000).

୨. ଦରଖାସ୍ତ ସହିତ ଲଗାହାରେ ସଂଲଗ୍ନିତ ସାରଣୀରେ ବର୍ଣ୍ଣନାଥିବା ଅର୍ଜିତ ରାଶି (EMD) ବ୍ୟାଙ୍କ ଡ୍ରାଫ୍ଟ ଆକାରରେ ପଇଠକରିବାକୁ ହେବ । ଯଦି ସଫଳ ନିର୍ଦ୍ଧାରିତ ହେବା ପରେ ଲିଜ ପ୍ରସ୍ତାବ ଅଗ୍ରାହ୍ୟ କରାଯିବ, ତେବେ ଉକ୍ତ ଅର୍ଜିତ ରାଶି (EMD)



ଫରାଦୀ ନ ହୋଇ ବ୍ୟାଜ୍ୟାସ୍ତ୍ର କରଣ କରି ବିଦାୟ ସ୍ଥାନରେ ଥିବା ବ୍ୟକ୍ତିଙ୍କୁ ଲିଜ ପ୍ରକ୍ରିୟା ପାଇଁ ଆମନ୍ତ୍ରଣ କରାଯିବ ଏବଂ ଅସଫଳ ନିଲାମ ଚଳାକଳ ଅର୍ଥରେ ରାଶି ଫେରସ୍ତ କରାଯିବ । EMD will be deposited in shape of Bank Draft in favour of Tahasildar, Lanjigarh payable at State Bank of India, Biswanathpur.

୩. ଆବେଦନ କରିଥିବା ଲିଜ ଜମିର ସଂପୂର୍ଣ୍ଣ ବିବରଣୀ ଓ ନକ୍ସା ।

୪. କୌଣସି ମାଲିକିଆ ଲିଜର ବ୍ୟବସାୟ ନ ଥିବା ନେଇ ଏକ ସ୍ୱତନ୍ତ୍ର ପତ୍ର ।

୫. ଆବେଦନ କରି ଯାଉଥିବା ସମୟରେ, ଯେତେବେଳେ କୌଣସି ମାଲିକିଆ ସହମତି ।

୬. ଆବେଦନକାରୀଙ୍କ ଗତ ବର୍ଷର ଆୟକର ହିସାବର ପରିମାଣ, ଯାହାକି ତାଙ୍କଦ୍ୱାରା ଦର୍ଶାଯାଇଥିବା ଅତିରିକ୍ତ ଦେୟ ଓ ରୟାଲଟି ସର୍ବନିମ୍ନ ପ୍ରତ୍ୟାବୃତ୍ତ ପରିମାଣ ଉପରେ ଏକ ବର୍ଷର ସମ୍ପୂର୍ଣ୍ଣ ପରିମାଣ $((Addl. Charge offered + Royalty) \times MGQ)$ ଠାରୁ କମ ହୋଇ ନ ଥିବା କିମ୍ବା ଉକ୍ତ ରାଶିର ବ୍ୟାଙ୍କ ବ୍ୟାରେଣ୍ଟ ଯାହାକି 18 ମାସ ବୈଧତା ଥିବ, ସଂଲଗ୍ନ କରିବା ଆବଶ୍ୟକ ।

(Income Tax Returns of previous financial year showing annual income for an amount not less than the amount of additional charge offered and royalty payable for the minimum guaranteed quantity for one whole year or Bank Guarantee valid for a period of eighteen months for the amount not less than the amount as above).

୭. ଅନ୍ୟ ବିବରଣୀ ଯଥା ବୈଷୟିକ ଜ୍ଞାନ, ଦକ୍ଷତା, ଆର୍ଥିକ ସ୍ଥିତି, ଯନ୍ତ୍ରପାତି ଇତ୍ୟାଦି ।

୮. GST clearance Certificate ର ନକଲ ।

ସର୍ତ୍ତାବଳୀ

୧. ଆବେଦନକାରୀମାନେ ଓଡ଼ିଶା ଲଗୁ ଖଣିଜ ଦ୍ରବ୍ୟ ବିହାରୀ ଆଇନ (OMMC Rules)-2016, ଓଡ଼ିଶା ଲଗୁଖଣିଜ ଦ୍ରବ୍ୟ ବିହାରୀ (ସଂଶୋଧନ ଆଇନ 2022) ପରିସରଭୁକ୍ତ ରହିବେ ।

୨. ଲିଜରେ ଭାରନେବା ପୂର୍ବରୁ ଲଗୁ ଖଣିଜ ଖାଦାନଗୁଡ଼ିକ ପରିଦର୍ଶନ କରି ସଜ୍ଜାତ ପରିଚାଳନା ପାଇଁ ଗମନା ଗମନ ସୁବିଧା, ଗଚ୍ଛିତ ଥିବା ଖଣିଜ ପଦାର୍ଥ ଓ ଅନ୍ୟାନ୍ୟ ଆନୁସାଙ୍ଗିକ ସୁବିଧା ସମ୍ପର୍କରେ ପର୍ଯ୍ୟବେକ୍ଷଣ କରି ଲିଜରେ ଆଶ୍ରୟ ଗ୍ରହଣ କରିବେ ।

୩. ଲିଜରେ ସଜ୍ଜାତ ଚଳାଉଥିବା ସମ୍ପର୍କରେ କୌଣସି ଅଭିଯୋଗ ଗ୍ରହଣ କରାଯିବ ନାହିଁ କିମ୍ବା କର୍ତ୍ତୃପକ୍ଷ ଦାୟୀ ରହିବେ ନାହିଁ ।

୪. ଲିଜ ଦିଆଯାଇଥିବା ଧାର୍ଯ୍ୟ ସମୟ ଭିତରେ କୌଣସି ପ୍ରାକୃତିକ ବିପର୍ଯ୍ୟୟ ପାଇଁ କର୍ତ୍ତୃପକ୍ଷ ଦାୟୀ ରହିବେ ନାହିଁ ।

୫. ସର୍ବୋଚ୍ଚ ଲିଜଧାରୀ ମାଲିକିଆ ପୁନଃ ବିଆବେଶ ଖର୍ଚ୍ଚ ନିଜେ ପଇସା କରିବେ ।

୬. ମାଲିକିଆ ପୁନଃ ବିଆବେଶ ଖର୍ଚ୍ଚ ଲଗୁ ଖଣିଜ ଦ୍ରବ୍ୟର ପରିମାଣ ତଥା ଲିଜଧାରୀଙ୍କ ଦ୍ୱାରା ଦର୍ଶାଯାଇଥିବା ଏକକ ରୟାଲଟିର ରାଶିକୁ ଗୁଣନ କଲେ ଯେଉଁ ପରିମାଣ ଅର୍ଥ ହେବ, ଉକ୍ତ ରାଶି ପରିବେଶ ମଜୁରୀ (Environment clearance) ଆଣିବାପାଇଁ ପରେ ପଇସା କରିବେ । ସଂପୂର୍ଣ୍ଣ ରାଶି ପଇସା ହେବା ପରେ ଲିଜଧାରୀ ରେଜିଷ୍ଟ୍ରେସନ ଆକ୍ଟ ୧୯୦୮ ଓ ଷ୍ଟାମ୍ପ ଆକ୍ଟ ୧୮୯୯ ଅନୁଯାୟୀ ଚୁକ୍ତିପତ୍ର (Execution of Lease Deed) ନିଜ ଖର୍ଚ୍ଚରେ ସମ୍ପାଦନ କରିବେ ।

୭. ଅମାନତ ରାଶିର ପରିମାଣ ଲିଜ ପାଇନାଲ ହେଲାପରେ ସ୍ଥିର କରାଯିବ ।

୮. ସର୍ବୋଚ୍ଚ ଲିଜ ଧାରୀ ମାଲିକିଆ ପୁନଃ ବିଆବେଶ ଖର୍ଚ୍ଚ ଏବଂ ଏକାକୀୟନମେନ୍ତ୍ ଫିୟରେସ୍ ବାବଦ ଖର୍ଚ୍ଚ (ଫେରସ୍ତ ନୁହେଁ) ଚୁକ୍ତିନାମା ସମ୍ପାଦନ ପୂର୍ବରୁ ପଇସା କରିବେ । (the selected bidder shall deposit the cost of obtaining the Mining plan and environment clearance approvals, in case those have

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ପ୍ରତ୍ୟେକ - ଦାୟିତ୍ୱୀୟାତ୍ୱ ସ୍ୱତ୍ତ୍ୱ (5 ବର୍ଷ) ଦେବାକୁ ଥିବା ଖଣିଜ ଉତ୍ପାଦନ ଏକତାଭିତ୍ତି ନିମ୍ନସ୍ଥାପନାରେ ଦିଆଯାଇଛି ।

ସାରଣୀ

କାଞ୍ଚିକର ଚନ୍ଦ୍ରପିଲ ଅବରାଜ ଲସ୍ତୁ ଖଣିଜ ଉତ୍ପାଦନର 5 ବର୍ଷିଆ ଲିଟ ନିମନ୍ତେ ଖଣିଜ ଉତ୍ପାଦନ ବିବରଣୀ

କ୍ର. ସଂ.	ସୂଚକ ନାମ	ମୌଜା	ଖାତା ନଂ	ଫାଟ ନଂ	ବିଭାଗ	ଲିଟ ଉତ୍ପାଦନ (ଏକର)	ସର୍ବନିମ୍ନ ନିର୍ଧାରିତ ପରିମାଣ (MGQ in Cum) (ବାର୍ଷିକ)	ଉତ୍ପାଦନ କର(Ro yalty per cum in Rs)	ଅତିରିକ୍ତ ଦେୟ ପ୍ରତି ଘନ ଫିଟର (Additional charge per Cum in Rs)	ବ୍ୟାକ୍ ଘେରୁଥିବା (In Rs) / IT returns of previous year not less than	ଅବିତ ଗାଠି (EMD in Rs)
୧	ବେନିପୋଖରୀ ପଥର ଘାଟ - ୦୧	ବେନିପୋଖରୀ	୧୮	୫୭	ପଥର ଚଟାଣ	୧୨.୩୩ (୪.୯୮ Ha)	9200	130/-	26/-	1435200	71760
୨	ବେନିପୋଖରୀ ରା ପଥର ଘାଟ - ୦୨	ବେନିପୋଖରୀ	୧୮	୫୭	ପଥର ଚଟାଣ	୧୨.୦୦ (୪.୮୫ Ha)	8000	130/-	26/-	1248000	62400
୩	ବେନିପୋଖରୀ ପଥର ଘାଟ - ୦୪	ବେନିପୋଖରୀ	୧୮	୫୭	ପଥର ଚଟାଣ	୧୦.୩୩ (୪.୧୭ Ha)	8320	130/-	27/-	1306500	65325
୪	ତାଡାବଳା ପଥର ଘାଟ - ୦୧	ତାଡାବଳା	୩୨	୭୮		୫.୦୦ (୨.୦୨ Ha)	15120	130/-	20/-	2268000	113400
୫	ତାଡାବଳା ପଥର ଘାଟ - ୦୨	ତାଡାବଳା	୩୨	୭୮		୫.୦୦ (୨.୦୨ Ha)	14840	130/-	20/-	2226000	111300

ଆପଣଙ୍କ ସଂଖ୍ୟା ୭

ତା ୦୨.୦୧.୨୦୨୨

Monnagh
୦୨/୦୧/୨୨
ତହସିଲଦାର, କାଞ୍ଚିକର
TAHASILDAR
LANJIGARH

ଏହାର ଏକକିତା ନକଲ ସହ ସରକାରୀ ଉତ୍ପାଦନ ବିବରଣୀ ଚନ୍ଦ୍ରପିଲ ବିଜ୍ଞାପନ ପତ୍ରର/ ବିଜ୍ଞାପନକ କାର୍ଯ୍ୟାଳୟ, କଟାକ / ଉପ- ବିଜ୍ଞାପନକ କାର୍ଯ୍ୟ ଆଳୟ, ଭବାନୀପାଟଣା / ଗୋଷ୍ଠୀ ଉତ୍ପାଦନ ଅଧିକାରୀ, କାଞ୍ଚିକର / ସମ୍ପୃକ୍ତ ଗ୍ରାମ ପଞ୍ଚାୟତ / ସମସ୍ତ ରାଜସ୍ୱ ନିରୀକ୍ଷକଙ୍କ କାର୍ଯ୍ୟ ଆଳୟ ବିଜ୍ଞାପନ ପତ୍ରକରେ ସର୍ବସାଧାରଣଙ୍କ ଅବଗତ ନିମନ୍ତେ "Form-M"ର ଏକ ଅତିରିକ୍ତ ନକଲ ସହ ପ୍ରେରଣ କରାଗଲା ।

Monnagh
୦୨/୦୧/୨୨
ତହସିଲଦାର, କାଞ୍ଚିକର
TAHASILDAR
LANJIGARH

କାମ୍ପାନ ନଂ

10

ତା. 02.01.2023 - 19 -

ଏହାର ଏକାକୀ ନକଲ ଜିଲ୍ଲା ଲୋକ ସୂଚନା ଅଧିକାରୀ, (D.I.O. NIC) କକାହାଣ୍ଡିକ ଅବଗତ ତଥା ଜିଲ୍ଲା ସେବସାଗରରେ ପ୍ରକାଶନ କରିବା ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

02/01/22
TAHASILDAR
LANJIGARH



T. Sanyal

FORM-F

Intimation to successful Bidder

[See rule 10(11), 16(9), 27(6)]

Letter No. 126

Date: 21.01.2023

From,

THE TAHASILDAR, LANJIGARH @ BISWANTHPUR
DIST-KALAHANDI

To,

Pawan Kumar Agrawal S/O-Kashiram Agrawal
At/Po-Lanjigarh Road Dist-Kalahandi

Sub:-

Intimation to successful bidder.

Sir,

This is to intimate that you have been selected as the successful bidder for Tadabala Stone Quarry-02, the quarry lease described below, namely Mouza-Tadabala, Kh. No. 32, Plot No. 78, Area Ac.5.00dec. Kisam-Dungri base on your application for the said lease. The amount of additional charge bid by you and accepted is Rs. 305/- (Rupees Three Hundred Five) only per cubic meter.

The Mining Plan is obtained and the environmental clearance for the said lease has not been obtained. The tentative selection is subject to the provisions of the OMMC Rule, 2016 and to the terms and conditions annexed with this letter.

You are directed to convey your acceptance to the terms and conditions and to deposit an amount of Rs. 21,48,090/- (Rupees Twenty One Lakh Forty Eight Thousand Ninety) only towards interest free security deposit as prescribed under 27(7). Proof of deposit of the aforesaid amount along with acceptance should reach the undersigned within fifteen days of the date of issue of this letter failing which this intimation shall stand automatically revoked without any further notice and the earnest money shall stand forfeited.

You are also directed to execute deed in respect of the quarry lease for the aforesaid area within the period specified in sub-rule (1) of rule 43 (three months) of Odisha Minor Mineral Concession Rules, 2016 after obtaining the Environmental Clearance from SEIAA, Bhubaneswar before executing the lease deed on your own cost.

You are also directed to deposit Rs. 40,000/- (Rupees Forty Thousand) only with this office towards charges for preparation of Mining Plan. The environmental clearance fees will be intimated later.

The terms & condition of the lease as per rule-33 of OMMC Rules, 2016 is annexed to this letter for your reference which will be strictly followed.

Yours faithfully,

[Signature] 21/01/23
Tahasildar, Lanjigarh

Encl:- Conditions of Quarry Lease.

Memo No. 127

Date 21.01.2023

Copy submitted to the District Mining Officer, Kalahandi for kind information & necessary action.

Copy submitted to the Sub-Collector, Bhawanipatna for kind information & necessary action.

Copy submitted to the Collector, Kalahandi for kind information & necessary action.

[Signature] 21/01/23
Tahasildar, Lanjigarh

[Signature]
G. C. S. S. S.

ANNEXURE-3

21-

Date - 04-02-2023

To,

The Tahasildar
Balsuanach pur

Sub :- (Acceptance to the term and
condition of letter No-126)

Sor

1 Pawan Kumar Agrawal Accepted the
term and condition of letter no-126
i.e. quarry lease describe as Mouza-
Tadabala, kh NO. 78, Area- 5.00 Acre
Kisan dungri Tadabala-02 and
deposit the amount Rs 21,48,090
on dated - 04 - February. 2023

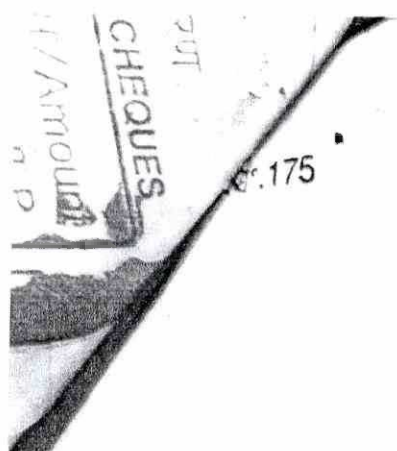
Yours faithfully
Pawan Kumar Agrawal
Pawan Kumar Agrawal

Received above
deposit slip of
21,48,090/- in favour
of Tahasildar, Lanjigarh.

04/02/2023

Section Officer
Tahasil Office
Lanjigarh

- 22 -



ରସିଦ ବହି
(Receipt Book)

R 0591443

କ୍ରମିକ ସଂ.

ତା. 04. 02. 2023

Received from Paben Kumar Agnewal କି ଠାରୁ

towards Tadabala Stone Quarry - 02 ବାବଦକୁ

Rs 21,48,090/- (Rupees twenty one lakh


fourty eight thousand ninety (Paise) ପଇସା ମାତ୍ର

ଶୁଦ୍ଧ ଟଙ୍କା ଓ ରେ କମା ହେଲା ।

Cash deposited by
Paben Kumar Agnewal

ଅଧିକାରୀଙ୍କର ସ୍ୱାକ୍ଷର ଓ ପଦନାମ
Signature of the Officer and Designation

Section Officer
Tahasil Office
Lanjigarh

	
भारतीय स्टेट बैंक STATE BANK OF INDIA BISWANATH PUR	
Date 01.02.2023	
चालू/बचत/आवृत्तिजमा/क्रेडिट/मार्गवृण/मियादीवृण जमापत्री CA/SB/RD/CC/DL/TL ACCOUNT COMMON PAY IN SLIP	
खाता संख्या/Account No.	
11624332063	
FOR THE CREDIT OF	
Tahasildar	
रु (सब्दों में) (in words) one lakh thirty eight thousand	
Rs. 31,48,000/-	
रोकडिया Cashier	पासक अधिकारी Passing Officer

रोकड/अंतरण CASH/TRANSFER

Counted 5000

- 24 -

To,

The Collector
Kalahandi

Sub:- Regarding operationalisation of Tadabala stone quarry-02 of Mouza Tadabala under Lanjigarh Tahasil.

Respected madam,

With due honour, I Pawan Kumar Agrawal S/o Late- Kashi ram Agrawal , At/Po- Lanjigarh Road, Dist-Kalahandi beg to put-forth my following grievances for favour of kind consideration and suitable action.

That, I have been awarded with long term (Five Years) lease of Tadabala -02 stone quarry under Lanjigarh Tahasil as the highest bidder which was put to auction by Tahasildar, Lanjigarh vide his office Notification No. 05 .Dt-02-01-2023.

That, I have been intimated vide letter no-126, dt-21-01-2023 in Form-F as per OMMC rule 2016 by the Tahasildar, Lanjigarh regarding my selection as successful bidder of tadabala -02 stone quarry of Mouza-Tadabala, Khata No-32, Plot No-78 , Area in Ac. 5.00 and to convey acceptance to the term and condition of quarry lease as per OMMC rule 2016.

That, I have been intimated to deposit Rs. 21,48,090/- only towards interest free security deposit as prescribed under rule-27(7) of OMMC rule 2016 and Rs. 40,000/- towards charges for preparation of Mining Plan vide the above said intimation letter and accordingly, I have deposit the above amount with Tahsildar Lanjigarh within the stipulated time . I have also submitted my consent/acceptance to the terms and condition of quarry lease as per OMMC rule 2016.

I was also directed to execute lease deed in respect of the quarry after obtaining Environmental Clearance from SEIAA, Bhubaneswar.

That, during processing of application of environmental clearance ,it is noticed from the satellite image that there is no any stone deposit over Plot No-78 of mouza- Tadabala i.e. the declared Sairat source Tadabala-02 stone quarry and put to auction by Tahsildar, Lanjigarh vide notification no5, dt 02-01-2023 .

That, I have immediately took it to the knowledge of Tahsildar, Lanjigarh regarding the above said lacuna i.e. non existence of any stone quarry over Plot No-78 for mouza- Tadabala .

That, after my complaint a joint team was deputed to demarcate the land and it is detected that, actually stone quarry (Tadabala-02) is existing over plot no-61 of mouza – Tadabala instead of Plot No-78.

That, I am in regular contact with the Tahasildar, Lanjigarh to sort out the mistake and enabling me to apply for environmental clearance and to execute lease deed in respect of Tadabala-02 stone quarry, but it is nothing rather than assurance to wait for some time. Tahsildar, Lanjigarh is saying that, correspondence have been made to the competent authority i.e. Collector, Kalahandi to take suitable step for correction of plot number in the District Survey Report of miner minerals in respect of Tadabala -02 stone quarry.

- 20 - 25 -

Page-2

Now I am in mental agony regarding uncertain future of the quarry that is awarded to me, as I have deposited a huge amount towards bank guarantee, security deposit etc.

Hence, I would request your honour to consider my grievances by taking kind suitable steps for change of plot number in District survey report of minor mineral in respect of Tadabala-02 stone quarry enabling me to apply for Environmental Clearance, Execution of lease agreement for smooth operationalistion of the quarry, For which I will be ever obliged.

Yours faithfully,

(Pawan Kumar Agrawal)

At/Po-Lanjigarh Road
Tah:-Lanjigarh,
PS-Narla, Dist-Kalahandi
Mob:-9861655618

5. 20/05/2018
J. J.



26-

ANNEXURE-5

235/15.02.2023

OFFICE OF THE REVENUE INSPECTOR: LANJIGARH ROAD

e-mail id- lanjigarhroad.ri@gmail.com

Letter No. I-29/2023- 22/Touzi Date.08.02.2023

The Tahasildar,
Lanjigarh.

Sub- Submission of Joint Demarcation Report of Tadabala Stone Quarry.

Ref- Letter No. 195/Touzi Date.03.02.2023 of Tahasildar, Lanjigarh

Sir,

As per your kind office order, I along with Assistant Revenue Inspector Sri Bhojraj Jani, Court Amin Sri Gourahari Mahala, Revenue Inspector, Kamardha and Revenue Supervisor of Lanjigarh Tahasil proceed jointly on dated.07.02.2023 and 08.02.2023 Tuesday and Wednesday respectively for demarcation and verification of Land Schedule of Tadabala-1 & Tadabala-2 Stone Quarries which are located in Tadabala Mouza. We demarcated the field by the help Cadastral Map of 3 Mouza namely Tadabala, Khiksabhata and Karkoli and found that the bidding Plot No. 78 of Mouza Tadabala. There is no availability of required Stone for Lease which is far away from the road and there is no approach Road connectivity as there are patches of Private Land/Plots falls before the Plot No. 78 and this Plot consists of variety and numbers of tree/ebony/forest growth which is not feasible for declaration of Stone Quarry for Lease. During field verification it is found that, the current extraction of Stone from the leased out Stone Quarry had been operating over the Plot No. 61 & 32 instead of Plot No. 78 since 2015-16 as there is good and high source of Stone available over the plot. further it is clarify that, large/huge quantity and high quality of Stone accumulated over plot No. 61 & 32 and may be feasible for Lease. The sketch prepared and enclosed herewith for your kind reference.

This is for favour of your kind information necessary action.

Yours Faithfully

Asst. Revenue Inspector
Lanjigarh RoadCourt Amin
Lanjigarh TahasilRevenue Inspector
Lanjigarh RoadRevenue Inspector
KamardhaRevenue Supervisor
Lanjigarh Tahasil


Spreader map (per)




OFFICE OF THE TAHASILDAR, LANJIGARH @ BISWANATHPUR
E.mail: tah.lanji-od@nic.in


PROCEEDING


As per this office order no. 195/Touzi Dated 03.02.2023, a team has been constituted for demarcation of stone quarries namely Tadabala Stone Quarries 1 & 2. The team has demarcated the sairat sources on dated 07.02.2023 and 08.02.2023. The demarcation report has been received from Revenue Inspector, Lanjigarh Road vide his letter no. I-29/2022-23 Dated 08.02.2023. From the report submitted by the demarcation team, it reveals the fact that the Sairat Source i.e Tadabala Stone Quarries 1 & 2 actually situated over the plot nos. 61 & 32, Kissam-Dunguri of Khata No. 32 instead of Plot No. 78 of Khata No. 32 of Mouza Tadabala.

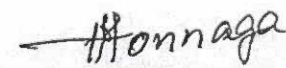

Asst. Revenue Inspector,
Lanjigarh Road


Revenue Inspector,
Lanjigarh Road for
Lanjigarh Road


Revenue Inspector
Kalahandi


Court Amin,
Lanjigarh Tahasil


Revenue Supervisor,
Lanjigarh Tahasil

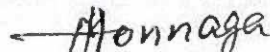

Tahasildar,
Lanjigarh


Memo No. 254 /Touzi

Date. 14.02.2023

Copy submitted to Collector-cum-Controlling Authority, Kalahandi for favour of kind information and necessary action.

Copy submitted to the Sub-Collector, Bhawanipatna for kind information.


Tahasildar, Lanjigarh





- 28 -

ANNEXURE #6

OFFICE OF THE TAHASILDAR, LANJIGARH @ BISWANATHPUR

No. XIII-05/2023

279

/Touzi

Date: 17.02.2023

To

The Collector & District Magistrate,
Kalahandi.

Sub:- Discrepancy in respect of Tadabala-1 & Tadabala-2 Stone quarries-
regarding.

Madam,

In inviting a kind reference to the above mentioned subject, I am to inform that, Tadabala-1 & Tadabala-2 stone quarries over plot No. 78, Khata No. 32 of Mouza-Tadabala of Lanjigarh Tahasil were placed in the District Survey Report on Minor Minerals and accordingly auction sale was conducted on dt.17.01.2023 vide this office Notification No.08 dt.02.01.2023. Successful bidders of both quarries are also intimated to deposit security and they have deposited security money with their consent to operate the quarry. In the meanwhile during preparation of documents to be submitted before SEIAA for obtaining Environmental Clearance, it is detected during a joint field verification that, the above two stone quarries Tadabala-1 & Tadabala-2 are not found over plot No. 78, having natural vegetation and dense forest growth over the plot and a stream is found near the plot. The above fact is detected basing on the satellite image available followed by Joint Field verification conducted by a team of this Tahasil.

Actually, the above two stone quarries i.e Tadabala 1 & Tadabala-2 over plot No. 78 of Mouza-Tadabala were identified by the then Tahasildar during the year 2015 and proposals were sent to district office for declaration as Sairat souce. Accordingly, after following due procedure the above quarries were put to auction during the year 2016 and being operated over plot No.61 and 32 instead of plot No. 78 since January 2018 on 05 years lease basis on execution of lease agreement by the then successful bidders and work order issued by the then Tahasildar after obtaining Environmental Clearance from DEIAA. The facts regarding identification of the quarries over wrong plot number had not been detected by anybody since then and quarries were being operated over plot No. 61 & 32 instead of plot No. 78.

Basing on the previous records and after completion of old lease period fresh auction has been conducted for the above said quarries and auction sale process have been completed. Now, there is no alternate rather than to delete plot No. 78 from the District Survey Report on minor minerals and put plot No.61 & 32 in the District Survey Report to avoid future litigation.

Contd.....

o/c

16/04/23

PIO, Lanjigarh Tahasil

- 29 -
//2//

Therefore, I would request you to issue suitable direction for smooth operation of Tadabala-1 & 2 stone quarries.

This is for favour of kind information & necessary action.

Yours faithfully,

Encl: Sketch map Tadabala-1 & Tadabala-2
Stone quarry & satellite Image copies.

Honnaga 17/02/23
Tahasildar, Lanjigarh

Memo No. 280 Date: 17.02.2023
Copy submitted to the Sub-Collector, Bhawanipatna for kind information & necessary action.

on 10/02/23

Honnaga 17/02/23
Tahasildar, Lanjigarh

PIO, Lanjigarh Tahasil

1. Enclosed
SD

For Tadabala 1x2 stone quarry

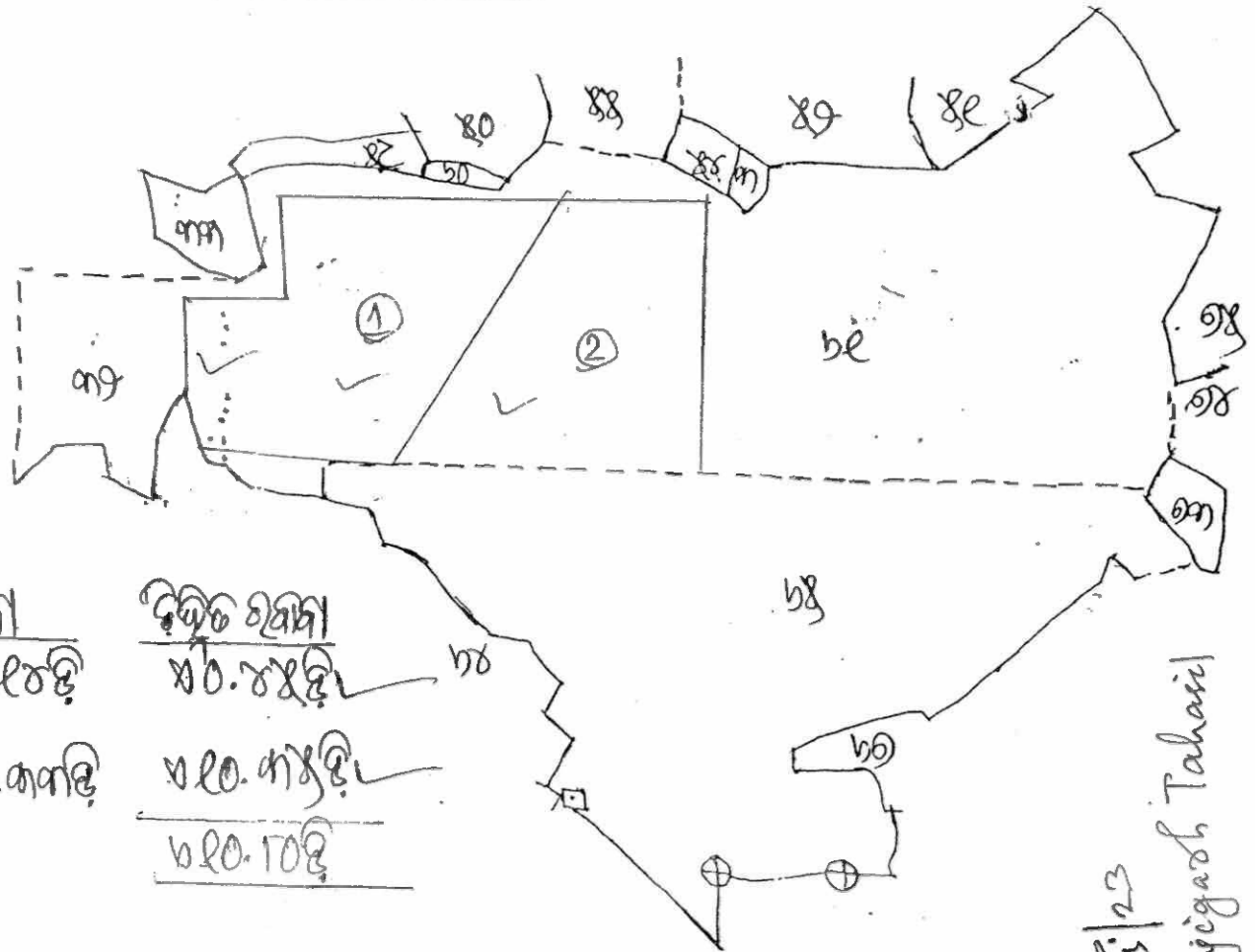
ଧାନ- ବ୍ରହ୍ମଚାରୀ

ସାମାନ୍ୟ-କର୍ମ

ଜାମ୍ବୀ-ବାମାହାଡ଼ି

ସମସ୍ତଙ୍କୁ ଧନ୍ୟବାଦ = ଧନ୍ୟବାଦ

ସନ ୧୯୯୦-୯୧



$$\begin{array}{r} 84000 \\ 100 \\ \hline 8400000 \end{array}$$

$$\begin{array}{r} 100000 \\ 100 \\ \hline 10000000 \end{array}$$

(8400000 + 10000000)

18400000

18400000

କାସିନ	ଉଦାସ	ବିଦିତ ଉଦାସ
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୫୫୫୫	୪୫୫.୫୫୫	୪୧.୫୫୫
		୪୧.୧୦୫

ASST. Revenue Inspector
Lanjigarh P.O.-I

Revenue Supervisor
Lanjigarr Tahasil

G. H. H. H.
08/02/2012
Court Amin
Lanjigarh Tahasil

Revenue Inspector
KAMARDHA

08/02/2023
Revenue Inspector
Lanjigarh Road

by on 05/23
PIO, Langigash Tahasil



ଆମା ମାଣିଷର ନାମ
ଚନ୍ଦ୍ରସିଂହ ମାଣିଷର ନାମ
TARA BALA, SHEET No.3
Thana Lanjigarh Muz
ଜିଲ୍ଲା କଲ୍ୟାଣୀ
ଓଡ଼ିଶା-୧୫୫୨୨୨ Scale ୫"=1Mile
୧୯୭୫-୭୬-୭୭ Year 1976-77

POINT ID	EASTING	NORTHING
1	126713.77	2211753.783
2	126726.676	2211612.347
3	126714.432	2211613.395
4	126713.003	2211589.106
5	126683.952	2211591.805
6	126656.965	2211576.089
7	126624.421	2211623.714
8	126552.189	2211635.144
9	126551.713	2211644.669
10	126572.986	2211643.558
11	126575.684	2211650.225
12	126562.508	2211656.734
13	126532.187	2211684.515
14	126531.393	2211706.899
15	126601.719	2211773.098
16	126613.149	2211777.067
17	126618.388	2211721.822
18	126626.802	2211718.647
19	126635.692	2211696.739
20	126647.122	2211689.436
21	126607.525	2211715.214

Legend

14/05/23
PIO, Lanjigarh Tahasil

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, KALAHANDI.
(Touzi email ld-touzikalahandi@gmail.com)

Letter No.XIII- 59 /2023 168 /TZ Date:- 22.03.2023

To

The Tahasildar, Lanjigarh.

Sub: - Discrepancy in respect of Tadabala-1 & Tadabala-2 Stone Quarries.

Ref: - Your Letter No.279/Touzi Dated 17.02.2023.

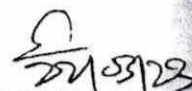
Sir,

With reference to the subject cited above, I am to intimate you that while considering the discrepancy in Land Schedule as reported by you in your letter under reference in respect of Tadabala-1 & Tadabala-2 Stone Quarries, Collector, Kalahandi has been pleased to pass order as follows.

"Tahasildar to cancel fresh auction & take steps for regularization".

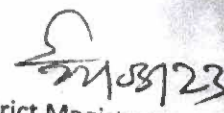
This is for your information & necessary action.

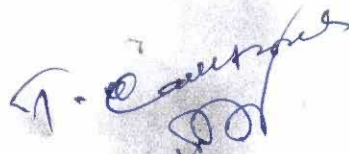
Yours faithfully,


Addl.District Magistrate,
Kalahandi.

Memo. No 169 /Tz Date 22.03.2023

Copy forwarded to the Sub-Collector, Bhawanipatna for information and necessary action.


Addl.District Magistrate,
Kalahandi



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ANNEXURE-8



OFFICE OF THE TAHASILDAR, LANJIGARH @ BISWANATHPUR

E.mail: tah.lanji-od@nic.in

Notice No. 541 /Touzi Date 17.03.2023

Pursuant to letter no. 168 Tz Dated 22.03.2023 of Addl. District Magistrate, Kalahandi the auction sale of sairat sources i.e Tadabala Stone Quarreis-1&2 which has been published News Paper vide this office letter no. 8 Date 02.01.2023 and auctioned on Dated 17.01.2023 at 04.00 P.M are hereby cancelled.

Honnaga
27/03/2023
Tahasildar, Lanjigarh

Memo No 542 Date 27.03.2023

Copy to the DIO, NIC, Kalahandi with a request to upload the same in the District website.

Honnaga
27/03/2023
Tahasildar, Lanjigarh

Memo No 543 Date 27-03-2023

Copy submitted to the Addl. District Magistrate, Kalahandi / Sub-Collector. Bhawanipatna for favour of kind information and necessary action.

Honnaga
27/03/2023
Tahasildar, Lanjigarh

Memo No 544 Date 27-03-2023

Copy to Sri Rajeswar Thakur S/O-Late Nimai Charan Thakur, Managing Director. Thakur Buildtech Pvt. Ltd. Bhawanipatna / Pawan Kumar Agrawal S/O-Kashiram Agrawal At/Po-Lanjigarh Road Dist-Kalahandi for information.

Honnaga
27/03/2023
Tahasildar, Lanjigarh

T. C. Sengupta
27/03

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ANNEXURE-9

To,

The Collector,

Kalahandi.

Sub :- Regarding selection of successful bidder for operation of Tadabala Stone quarry-02 of mouza-Tadabala under Lanjigarh Tahasil

Esteemed Madam,

Apropos the subject with profound respect I Pawan Kumar Agrawal S/O- Late Kasi Ram Agrawal At/Po- Lanjigarh Road Dist- Kalahandi most humbly submit that I have been already intimated in Form-F as successful bidder of Tadabala Stone quarry-02 of mouza-Tadabala under Khata No.32, plot No.78 measuring area AC 5.00dec. kissam- dungri vide Letter No.126 Dt. 21-01-2023 of Tahasildar, Lanjigarh. As desired I have also deposited security deposit of Rs.21,48,090/- on grant of money receipt vide No- 0591443 Dt- 04-02-2023 before the Tahasildar, Lanjigarh. I have also submitted Bank Guarantee before the Tahasildar, Lanjigarh.

It is regrated that I have been issued with a letter vide memo No.544 dt-27-03-2023 of Tahasildar, Lanjigarh intimating that the auction sale of Sairat Sources i.e., Tadabala Stone quarry - 02 which has been published in newspaper vide his office letter No. 8 Dt.02-01-2023 and auction on dt- 17-01-2023 has been cancelled.

It is learnt that such cancellation of quarry lease for discriminating in plot number though the spot of quarry lease is one and the same. Your good Authority has inherent power to consider the real plot number over the same spot only after changing the plot No. instead of cancelling the auction. All procedural aspect have also been manifested without hindrance for such lease.

After depositing the huge amount of security before the Tahasildar with due acknowledgement of receipt of authenticity of quarry lease and then cancellation of auction is shockingly disproportionate and unjust in the eye of law. The error pointed out regarding discriminating plot number 61 instead of Plot No- 78 may be taken into consideration to rectify it as it is felt some clerical error which has no gravity to cancel the auction in a minor mistake of clerical error when the successful bidder has been burdened with depositing very huge amount as well as Bank guarantee towards security. I need not be sufferer for mistake of official functionary. In the event of such cancellation of auction and for fresh auction there may appear hardly possibility of my success in the Bid.

I therefore earnestly request you to kindly consider to continue me as successful bidder by correcting the plot No. from the District Survey Report on minor minerals as asserted above and be pleased to revoke the cancellation order vide letter No. 168/TZ dt-22-03-2023. For such act of your kindness I shall remain ever grateful.

Yours faithfully,

Pawan Kumar Agrawal
(Pawan Kumar Agrawal) 27/7/2023
Mobile No-9861655618

RECEIVED

R.O.
Collectorate, Kalahandi
27/7/23



OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, KALAHANDI
(Touzi Email ID-touzikalahandi@gmail.com)

Letter No.XIII-59/23. 327 / Touzi

Dated: 25.08.2023

To

The Tahasildar, Lanjigarh.

Sub: -

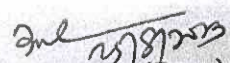
Enquiry into the Grievance petition filed by Sri Pawan Kumar Agrawal
S/O- Late Kasi Ram Agrawal, At/PO- Lanjigarh Road, Dist.Kalahandi.

Sir,

In enclosing herewith a copy of petition filed by Sri Pawan Kumar Agrawal S/O- Late Kasi Ram Agrawal, I am to request you to cause a detailed enquiry into the contents of the petition and furnish a factual report to this Office at an early date for kind perusal of Collector.

Encl.: As above.

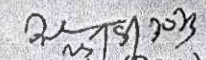
Yours faithfully,

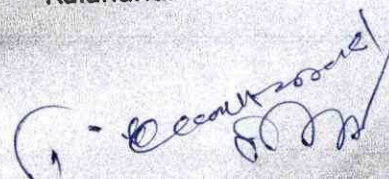

Addl. Dist. Magistrate (Rev.)
Kalahandi

Dated: 25.08.2023

Memo No. 328 /Touzi

Copy to Sri Pawan Kumar Agrawal S/O- Late Kasi Ram Agrawal,
At/PO- Lanjigarh Road, Dist.Kalahandi for information.


Addl. Dist. Magistrate (Rev.)
Kalahandi



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OFFICE OF THE TAHASILDAR, LANJIGARH @ BISWANATHPUR

E.mail: tah.lanji-od@nic.in

No.XIII-05/2023 1514 / Touzi.

Date: 02.09.2023

To

Addl. District Magistrate (Rev.)
Kalahandi

Sub:

Enquiry into the grievance petition filed by Sri Pawan Kumar Agrawal
S/O-Late Kashiram Agrawal At/Po-Lanjigarh Road Dist-Kalahandi.

Ref:

District Office Letter No. XIII-59/23 327/Touzi Dated 25.08.2023.

Sir,

In inviting a kind reference to the above mentioned subject, I am to inform that, Tadabala-1 & Tadabala-2 stone quarries over plot no. 78, Khata No. 32 of Mouza-Tadabala of Lanjigarh Tahasil were placed in the district Survey Report on Minor Minerals and accordingly, auction sale was conducted on dt. 17.01.2023 vide this office Notification No. 08 Dt 02.01.2023. Successful bidders of both quarries are also intimated to deposit security and they have deposited security money with their consent to operate the quarry. In the meanwhile during preparation of documents to be submitted before SEIAA for obtaining Environmental Clearance, it is detected during a joint field verification that, the above two stone quarries Tadabala-1 & Tadabala-2 are not found over plot no. 78, having natural vegetation and dense forest growth over the plot and a stream is found near the plot. The above fact is detected basing in the satellite image available followed by Joint Field verification conducted by a team of this Tahasil.

Actually, the above two stone quarries i.e Tadabala-1 & Tadabala-2 over plot No. 78 of Mouza-Tadabala were identified by the then Tahasildar during the year 2015 and proposal were sent to district office for declaration as sairat source. Accordingly, after following due procedure the above quarries were put to auction during the year 2016 and being operated over plot No. 61 and 32 instead of plot No. 78 since January 2018 on 05 years lease basis on execution of lease agreement by the then successful bidders and work order issued by the then Tahasildar after obtaining Environmental Clearance from DEIAA. The facts regarding identification of the quarries over wrong plot number had not been detected by anybody since then and quarries were being operated over plot No. 61 & 32 instead of plot No. 78.

Contd.....(Page No. 1/2)

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Basing on the previous records and after completion of old lease period fresh auction has been conducted for the above said quarries and auction sale process have been completed. The pillar posting and erection of boards are also made over the plot no. 61 & 32 (copy enclosed). The wrong plot might be due to erroneous demarcation as plot no. 78 done by the then Revenue Inspector, Lanjigarh Road.

This is for favour of kind information & necessary action.

Yours faithfully,

Encl: (1) Trace map of Tadabala-1 & Tadabala-2 Stone quarry
(2) Joint demarcation report of Tadabala Stone quarries received vide letter no. I-29/2023- 22/Touzi Date 08.02.2023 alongwith trace map of R.I, Lanjigarh Road (3) Satellite image copies.
(4) Copy of Letter No. XIII-05/2023 279/Touzi Date 17.02.2023

A. Onnaga 02/09/23
Tahasildar, Lanjigarh

Memo No. 1515 Date 02.09-2023

Copy submitted to the Sub-Collector, Bhawanipatna for kind information.

A. Onnaga 02/09/23
Tahasildar, Lanjigarh

(Page No. 2/2)

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1848. 1849. 1850. 1851. 1852. 1853. 1854. 1855. 1856. 1857. 1858. 1859. 1860. 1861. 1862. 1863. 1864. 1865. 1866. 1867. 1868. 1869. 1870. 1871. 1872. 1873. 1874. 1875. 1876. 1877. 1878. 1879. 1880. 1881. 1882. 1883. 1884. 1885. 1886. 1887. 1888. 1889. 1890. 1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 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ନିର୍ଦ୍ଦିଷ୍ଟ - ନିର୍ଦ୍ଦିଷ୍ଟ ନିର୍ଦ୍ଦିଷ୍ଟ
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 ଉପରାଜ - ନିର୍ଦ୍ଦିଷ୍ଟ ନିର୍ଦ୍ଦିଷ୍ଟ
 ନିର୍ଦ୍ଦିଷ୍ଟ - ନିର୍ଦ୍ଦିଷ୍ଟ
 ଉପର ୧୫" - ୧୫୦୦
 ଉପର ୧୫୦୦ - ୧୫

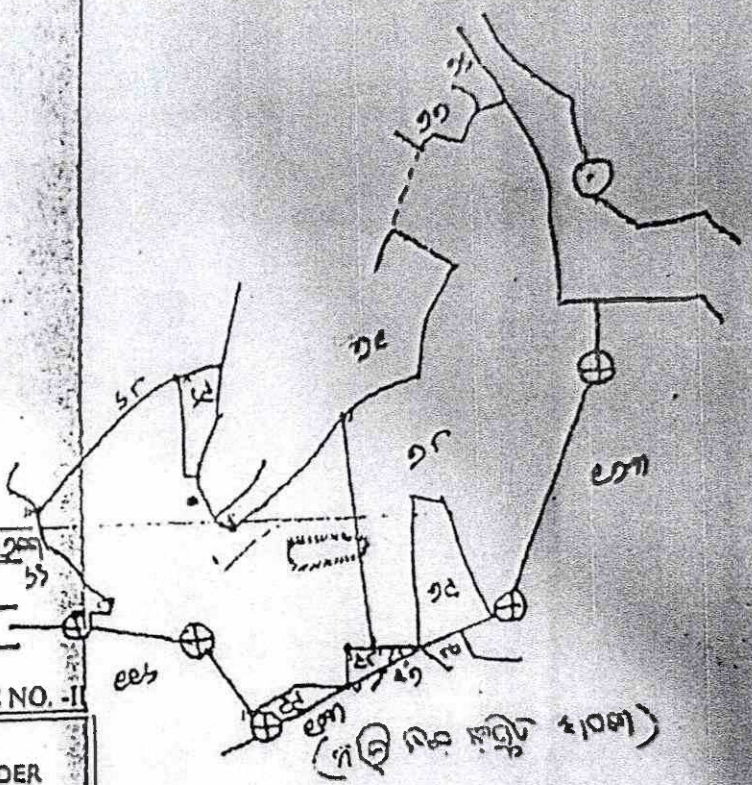
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୧୫	୧୫	୧୫	୧୫	୧୫

SCALE - 16"=1MILE

PLATE NO. - II

TADABALA-1 STONE QUARRY
 OVER AN AREA OF 5.00 ACRES OR 2.02 HA. UNDER
 VILLAGE - TADABALA IN LANJIGARH TAHASIL OF
 KALAHANDI DISTRICT, ODISHA
LESSEE - PAWAN KUMAR AGRAWAL
LEASE PLAN
 Certified that this plan & Section are correct to the best my
 knowledge & based on the Lease map provided by the Lessee

 B.B. MOHANTY
 RQP/OD/034/2016



Revenue Inspector
 Lanjigarh Road

Pawan Kumar Agrawal
 1/10/16

-39-



Annexure-12

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, KALAHANDI
(Touzi Section)

E-Mail ID-touzikalahandi@gmail.com

Letter No.XIII-39/2024- 143 / Touzi

Dt. 02.07.2024

To

Sri Pawan Kumar Agrawal,
S/o- Late Kasi Ram Agrawal,
At/Po-Lanjigarh Road,
Dist-Kalahandi.

Sub: Decision taken on annexure-11 as per Order No.01 Dtd.05.04.2024
passed in WP(C) No.7879/2024.

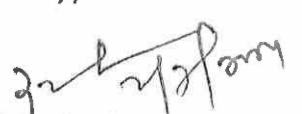
Sir,

In connection with the subject mentioned supra, I am directed to intimate you the decision taken by the Collector, Kalahandi on annexure-11 in pursuance of Order No.01 Dtd.05.04.2024 passed in WP(C) No.7879/2024 as follows:

1. There is discrepancy in Land Schedule in respect of Tadabala-1&2 Stone Quarry.

In view of above fact consideration on annexure-11 does not arise.

Yours faithfully,


Addl. Dist. Magistrate (Rev.)
Kalahandi.

Memo.No. 144 /Touzi

Date: 02.07.2024

Copy in triplicate forwarded to Tahasildar, Lanjigarh to serve Sri Pawan Kumar Agrawal and return the served copy along with Dated Acknowledgement for office record. The third copy is meant for his office.


Addl. Dist. Magistrate (Rev.)
Kalahandi.



**VAKALATNAMA
IN THE HIGH COURT OF ORISSA, CUTTACK**

W.P.(C) No. 19056 of 2024

Pawan Kumar Agrawal ... Petitioner.

30380

-Versus-

State of Odisha & others ... Opp. Party.

Know all men by these presents. That by this vakalatnama

I, Pawan Kumar Agrawal aged about 459 years son of late, Koshinam Agrawal, At/PO-Lanigundi Road. P.S-Naula, Dist - Kalahandi

Petitioner in the aforesaid

Case do hereby appoint and retain, **SAMEER KUMAR DAS**, Enrolment No. O-635/92, Mobile No.-9437172660, E-Mail ID-sameerkumardas70@gmail.com, **PRAKASH KUMAR BEHERA**, Enrolment No. O-161/13, Mobile No.-9437106610, **NIRAJAN JENA**, Enrolment No. O-940/16, Mobile No.-9439955080.

Advocate(s) to appear for me/us, In the above case and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same, or any decree or order passed therein including all applications for return of documents or receipt of any money that may be payable to me/us in the said case and also in applications for review in appeals under Orissa High Court order and applications for leave to appeal to Supreme Court. I/We authorize my/our Advocate (s) to admit any compromise lawfully entered in the said case.

Dated 28-7-2024

Received from the Executant (s)
Through certify that. I hold no brief
For the other side.
Satisfied and accepted

Sameer Das
Advocate

Accepted as above

P. K. Behera
Advocate

Accepted as above

P. K. Behera
Advocate.



Pawan Kumar Agrawal

Signature of the executants

CRR-2015

P

OFFICE OF THE ADVOCATE GENERAL, ODISHA

SLNO:

552107

Date:

02-Aug-24

TIME:

1:01 PM

CASETYPE:

DWPC

No:

32931

YEAR:

2024

PETITIONER / APPELLANT:

PAWAN KU. AGARWAL

RESPONDENT / OPP PARTY:

STATE



PETITION & MEMO



MISC CASE



EXTRA COPY



COUNTER



ADDL

SET:



REJONDER

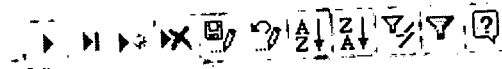


CONSOLIDATED

MISC. COPY

ADDL. STANDING
COUNSEL

CRR-2011 10067 of 10067



CRR-2015

OFFICE OF THE ADVOCATE GENERAL, ODISHA

SLNO:

552085

Date:

08-Nov-24

TIME:

12:07 PM

CASETYPE:

WPC

No:

19056

YEAR:

2024

PETITIONER / APPELLANT:

PAWAN KUMAR AGRAWAL

RESPONDENT / OPP PARTY:

STATE

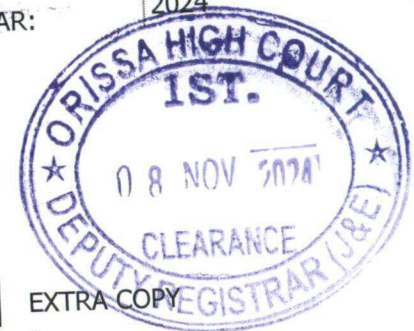
☐ PETITION & MEMO☐ MISC CASE☒ EXTRA COPY☐ COUNTER☐ ADDL

SET:

1

☐ REJONDER☐ CONSOLIDATED

MISC. COPY

ADDL. STANDING
COUNSEL

WP-19056/2024



OFFICE OF THE TAHASILDAR, LANJIGARH @ BISWANATHIPUR

E-mail: tah.lanji-od@nic.in

No.XV-50/2024 / Touzi. 2406 Date: 18/11/2024

To

The Collector,
Kalahandi

Sub: Regarding W.P.(C) No. 19056 of 2024 filed by Pawan Kumar Agrawal-
Vrs- State of Odisha & Other.

Ref: Letter No. 60463 (3) Dated 06.11.2024 of Advocate General, Odisha,
Cuttack.

Sir,

In inviting reference to the subject cited above, I am to intimate that petition of Sri Pawan Kumar Agrawal was listed before Hon'ble Chief Justice and Hon'ble Justice Miss Savitri Ratho on Dated 05.11.2024 and Hon'ble Court adjourned the matter after two weeks with a direction to file affidavit to return Rs 21,48,090/- (Rupees Twenty One Lakh Forty Eight Thousand Ninety) only. Permission may be accorded to refund the said amount to Pawan Kumar Agrawal (the petitioner) as per the direction of the Hon'ble Court.

This is for favour of kind information & necessary action.

Yours faithfully,

Encl: Letter No. 60463 (3) Dated 06.11.2024
Of Advocate General, Odisha, Cuttack

K.K. Jyoti 18/11/2024
Tahasildar, Lanjigarh

Memo No. 2407

Date. 18/11/2024

Copy submitted to the Debasish Tripathy, Addl. Govt. Advocate, Office of the
Advocate General, Odisha, Cuttack for kind information.

K.K. Jyoti 18/11/2024
Tahasildar, Lanjigarh

Email**Jnana Prakash Swain****Order No.03,dtd.19.11.2024**

From : Jnana Prakash Swain <aso5.wdb2-ohc@gov.in>

Mon, Nov 25, 2024 12:06 PM

Subject : Order No.03,dtd.19.11.2024 1 attachment**To :** High Court Of Orissa <highcourt.or@nic.in>

Sir/Madam,
kindly see the attached pdf in WP(C) No.19056/2024
for information and necessary compliance.

sd/-
Superintendent(I/c)
Writ DB-II

 **Order 19 11 2024 communication to All Ops WPC 19056 2024_0001.pdf**
861 KB

IN THE HIGH COURT OF ORISSA, CUTTACK

(9c)
MemoNo. 34695(5)
Dated. 25/11/2024
(By email/Post)

W.P.(C) No.19056/2024

To

- 1)The Principal Secretary,Revenue and Disaster Management Department,
Lok Seva Bhawan,Bhubaneswar,Dist-Khurda
- 2)The Collector,Kalahandi,At/Po-Bhawanipatna,Dist-Kalahandi
- 3)The Tahasildar,Lanjigarh @ Biswanathpur,At/Po-Biswanathpur,
Dist-Kalahandi
- 4)The District Mining Officer,Kalahandi,At/Po-Bhawanipatna,Dist-Kalahandi
- 5)ADM(Revenue), Kalahandi,At/Po-Bhawanipatna,Dist-Kalahandi

Sir/Madam,

I am directed to forward herewith Court's Order No.03,dated.19.11.2024 passed in **W.P.(C)No.19056/2024(Pawan Kumar Agarwal Vrs State of Odisha and Others)** for your information and necessary action. Further, you are hereby directed to file a counter affidavit in terms of the Court's order dated.05.11.2024 subject to payment of cost of Rs.1,000/- to be deposited in the account of the Welfare Fund of Orissa High Court Bar Association, as the case stands adjourned to 26.11.2024.

This may be treated as **MOST URGENT**.

By Order of the Court

Dated.25th November,2024

Cuttack

Enclosure:-

i)Copy of Order passed in WP(C) No.19056/2024


25.11.24
Superintendent (9c)


25/11/24

9/c

Email

Jnana Prakash Swain

MOST URGENT- Order No.03 dated.19.11.2024 passed in W.P.(C) No.19056/2024 (Pawan Kumar Agarwal Vrs State of Odisha and Others

From : High Court Of Orissa <highcourt.or@nic.in>

Mon, Nov 25, 2024 12:17 PM

Subject : MOST URGENT- Order No.03 dated.19.11.2024 passed in W.P.(C) No.19056/2024 (Pawan Kumar Agarwal Vrs State of Odisha and Others

📎 1 attachment

To : Secretary Revenue and DM <revsec.od@nic.in>, Secretary-Revenue Orissa <revsec.or@nic.in>, DM cum Collector Kalahandi <dm-kalahandi@nic.in>, Lanjigarh Tahasildar <tah.lanji-od@nic.in>, mo bhawanipatna <mo.bhawanipatna@orissaminerals.gov.in>, ADM Kalahandi <adm-kalahandi.od@nic.in>

Cc : Jnana Prakash Swain <aso5.wdb2-ohc@gov.in>

Sir,

Enclosed herewith kindly find the attachment.

Yours faithfully,

sd/-

Superintendent, Writ DB-II
High Court of Orissa, Cuttack



Order 19 11 2024 communication to All Ops WPC 19056 2024_0001.pdf
861 KB

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P (C) NO.19056 OF 2024

PAWAN KUMAR AGARWAL.... PETITIONER

VRS

STATE OF ODISHA

AND OTHERS.

... OPP.PARTIES

I N D E X

Sl. No.	Description of Documents	Page No.
1	Counter Affidavit filed by Opp. Parties No. 2 & 3.	1-6
2	<u>Annexure-A/3</u> Copy of the Letter No.1514 dated 02.09.2023.	7 - 8

CUTTACK

DATE:22.11.2024 ADDL. GOVT. ADVOCATE

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P (C) NO.19056 OF 2024

PAWAN KUMAR AGARWAL.... PETITIONER

VRS

STATE OF ODISHA

AND OTHERS.

... OPP.PARTIES

COUNTER AFFIDAVIT FILED
BY OPP.PARTY NO.2 & 3

I, Kiran Kumar Mohanty, aged about 28 years,
Son of Bhabani Prasanna Mohanty, at present working
as Tahasildar, Lanjigarh, At/P.O.Lanjigarh,
Dist:Kalahandi, do hereby solemnly affirm and state as
follows:-

1. That I am the Opp.Party No.3 in this case and have been duly authorized by the Opp.Party No.2 to swear this affidavit on his behalf.
2. That I have gone through the writ petition and understood the contents made therein. I am otherwise well acquainted with the facts of the case and competent to swear this affidavit.
3. That the petitioner has filed the above mentioned writ petition to quash the Letter No.143 dated 02.07.2024 of the Additional District Magistrate (Revenue), Kalahandi under Annexure-12 and to allow the petitioner to operate the stone quarry over Khata

PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995



Kiran Kumar Mohanty

No.32 and Plot No.61 & 32 of Tadabala-2 over Ac. 5.00 decimal of Kism Dunguri for a period of five years as per the terms of the bid.

4. That the writ petition is thoroughly misconceived and the same is not maintainable in the eye of law and is liable to be dismissed.

5. That in reply to the averments made in Para-1 of the writ application, it is humbly submitted that the petitioner was a successful bidder of Tadabala-II stone quarry on 17.01.2023 at 04.00 P.M over Khata No. 32, Plot No. 78 of Mouza-Tadabala. Accordingly, necessary formalities have been done as per Odisha Minor Mineral Concession Rules, 2016. The necessary documents have been sent to State Environment Impact Assessment Authority (SEIAA) for obtaining environmental clearance. During the joint field verification, it is found that the stone quarries Tadabala I & II are not found over Plot No-78. The above fact is detected based on the satellite image available and joint demarcation conducted by a team of Lanjigarh Tahasil. The above stone quarry has been auctioned in the year 2016 by the then Tahasildar, Lanjigarh after clearing environmental clearance from District Environment impact assessment authority (DEIAA) with due procedure for a period of 5 years on lease basis. The fact regarding identification of Tadabala- I & II stone quarries over the wrong Plot No. has not been detected


Kiran Kumar Mohanty

by anybody during that time and quarries were being operated over Plot No.61 and 32 instead of Plot No.78. Basing on the previous records and latest fact, the same has been intimated to the Collector, Kalahandi. In the meantime, the minor mineral section has been transferred to the Steel & Mines Department from Revenue & Disaster Management Department. So, the delegation of authority has been transferred to Steel & Mines Department. Hence there is no authority to decide the matter by the Revenue Administration.

6. That as regards the averments made in Para-2 to 5 of the writ petition, this deponent has no comments to offer.

7. That in reply to the averments made in Para-6 of the writ application, it is humbly submitted that the petitioner Pawan Kumar Agrawal has filed a petition before the Collector, Kalahandi. Accordingly, Tahasildar, Lanjigarh has been directed to cause necessary enquiry into the petition. The enquiry has been conducted on the petition and it is found that the Tadabala-I & Tadabala-II stone quarries was operated over Plot No.61 & 32 instead of Plot No.78 of Mouza-Tadabala since 2016. The fact has been intimated to the Addl. District Magistrate, Kalahandi. Copy of the Letter No.1514 dated 02.09.2023 is enclosed herewith as **Annexure-A/3.**

Kiran Kumar Mohanty


PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995

8. That as regards the averments made in Para-7 & 8 of the writ petition, this deponent has no comments to offer.

9. That in reply to the averments made in Para-9 of the writ application, it is humbly submitted that due to the discrepancy in land schedule in respect of Tadabala-1 & Tadabala-2 stone quarries, Collector, Kalahandi has directed Opp.Party No. 3 to cancel fresh auction and to take steps for regularization & as per the order of Opp. Party No. 2, Tahasil, Lanjigarh cancelled the auction.

10. That in reply to the averments made in Para-10 of the writ application, it is humbly submitted that as per the conditions mentioned in the tender notice, Letter No.8, date 02.01.2023 (Point No.02) of Tahasildar, Lanjigarh it has been mentioned that before taking part in the lease process of Minor Minerals, the participant should check the transportation facility, deposition of minerals and other ancillary facilities & arrangements. So, to mention that the petitioner has invested huge sum of money for preparing approach road and provisions for water supply is not justified.

11. That as regards the averments made in Para-11 to 13 of the writ petition, this deponent has no comments to offer.

12. That in reply to the averments made in Para-14 of the writ application, it is humbly submitted that it

Kiran Kumar Mohanty

has been clearly mentioned in the terms and conditions of the tender notice on lease of Minor Mineral Letter No.8 dated 02.01.2023 of Tahasildar, Lanjigarh that the authority reserves the right to postpone or cancel the lease without citing any reason. So, the argument that the authority cancelled the tender unilaterally does not arise.


13. That as regards the averments made in Para-15 to 19 of the writ petition, this deponent has no comments to offer.

14. That the averments / assertions / allegations made in the writ petition which are not specifically admitted by the deponent shall be deemed to have been denied. This deponent craves leave of Hon'ble Court to file further affidavit, if required at a larger stage.

15. **That the Opp.Parties are inclined to refund the amount deposited by the petitioner amounting to Rs.21,480,90/-. In this regard, the present deponent has sent the proposal / letter to the Collector & District Magistrate, Kalahandi vide Letter No.2406 dated 18.11.2024.**

16. That the statements made above in Paragraphs-1 and 16 are true to the best of my knowledge and belief and those statements made in Paragraphs-5 and 13 are true to my information derived from the records and the statements made in Paragraphs-10 are my

Kiran Kumar Mohanty


PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995

submissions to this Hon'ble Court. I believe the information to be true as per available official records.

Identified by

Kiran Kumar Mohanty
22/11/2024
Deponent

~~ASO A.G's Office~~

Solemnly affirmed before me by
, who is ^{known to} identified before me by
....., ~~ASO, Advocate General's Office~~
whom I personally know.

This the 22nd day of November, 2024.

CUTTACK.

DATE: 22.11.2024 NOTARY PUBLIC, CUTTACK.

Pradipta
22/11/2024

CERTIFICATE

PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995

Certified that Cartridge papers are not available.

CUTTACK

DATE: 22.11.2024. ADDL. GOVT. ADVOCATE





OFFICE OF THE TAHASILDAR, LANJIGARH @ BISWANATHPUR

E.mail: tah.lanji-od@nic.in

No.XIII-05/2023 1514 /Touzi.

Date: 02.09.2023

To

Addl. District Magistrate (Rev.)
Kalahandi

Sub: Enquiry into the grievance petition filed by Sri Pawan Kumar Agrawal
S/O-Late Kashiram Agrawal At/Po-Lanjigarh Road Dist-Kalahandi.

Ref: District Office Letter No. XIII-59/23 327/Touzi Dated 25.08.2023.

Sir,

In inviting a kind reference to the above mentioned subject, I am to inform that, Tadabala-1 & Tadabala-2 stone quarries over plot no. 78, Khata No. 32 of Mouza-Tadabala of Lanjigarh Tahasil were placed in the district Survey Report on Minor Minerals and accordingly, auction sale was conducted on dt. 17.01.2023 vide this office Notification No. 08 Dt 02.01.2023. Successful bidders of both quarries are also intimated to deposit security and they have deposited security money with their consent to operate the quarry. In the meanwhile during preparation of documents to be submitted before SEIAA for obtaining Environmental Clearance, it is detected during a joint field verification that, the above two stone quarries Tadabala-1 & Tadabala-2 are not found over plot no. 78, having natural vegetation and dense forest growth over the plot and a stream is found near the plot. The above fact is detected basing in the satellite image available followed by Joint Field verification conducted by a team of this Tahasil.

Actually, the above two stone quarries i.e Tadabala-1 & Tadabala-2 over plot No. 78 of Mouza-Tadabala were identified by the then Tahasildar during the year 2015 and proposal were sent to district office for declaration as sairat source. Accordingly, after following due procedure the above quarries were put to auction during the year 2016 and being operated over plot No. 61 and 32 instead of plot No. 78 since January 2018 on 05 years lease basis on execution of lease agreement by the then successful bidders and work order issued by the then Tahasildar after obtaining Environmental Clearance from DEIAA. The facts regarding identification of the quarries over wrong plot number had not been detected by anybody since then and quarries were being operated over plot No. 61 & 32 instead of plot No. 78.

Contd.....(Page No. 1/2)

True copy
attested by me

X. K. J. 24/11/2024

**TAHASILDAR
LANJIGARH**

Basing on the previous records and after completion of old lease period auction has been conducted for the above said quarries and auction sale process have been completed. The pillar posting and erection of boards are also made over the plot no. 61 & 32 (copy enclosed). The wrong plot might be due to erroneous demarcation as plot no. 78 done by the then Revenue Inspector, Lanjigarh Road.

This is for favour of kind information & necessary action.

Yours faithfully,

- Encl: (1) Trace map of Tadabala-1 & Tadabala-2 Stone quarry
(2) Joint demarcation report of Tadabala Stone quarries received vide letter no. I-29/2023- 22/Touzi Date 08.02.2023 alongwith trace map of R.I, Lanjigarh Road (3) Satellite image copies.
(4) Copy of Letter No. XIII-05/2023 279/Touzi Date 17.02.2023

Monnaga 02/09/23
Tahasildar, Lanjigarh

Memo No. 1515 Date 02.09-2023

Copy submitted to the Sub-Collector, Bhawanipatna for kind information.

Monnaga 02/09/23
Tahasildar, Lanjigarh

True copy
attested by me
K. K. S. S. 21/11/2024

**TAHASILDAR
LANJIGARH**

(Page No. 2/2)

MONEY RECEIPT

THE HIGH COURT BAR ASSOCIATION

CUTTACK - 753 002, Phone / Fax : 2507810

Date 25/11/2024

MR. No. 114389

AMOUNT

Welfare Funds

Cost awarded by Hon'ble High Court

W.P.C. No. 17056/2024

1000.00

D.S.B.C. No.

Total: 1000.00

Received with thanks from

OFFICE OF THE ADVOCATE GENERAL

of Rupees

***One Thousand and 00/100

Ch.D.D. No.

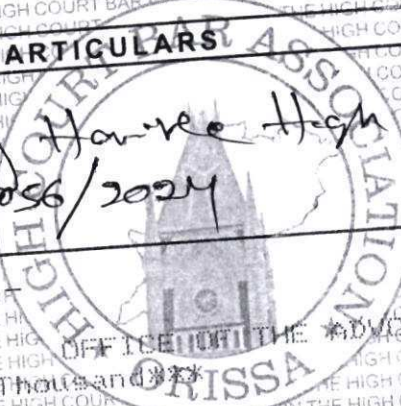
against above mentioned heads by

Ch. D.D. No.

on date

25/11/2024

Receiver's Signature



MR.