

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 6759 of 2022

*Tushar Kanta Baral*

.....

*Petitioner*

*Mr. B. Nayak, Advocate*

Vs.

*State of Orissa and others*

.....

*Opposite Parties*

*Mr.P.P. Mohanty,AGA*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**MISS JUSTICE SAVITRI RATHO**

**ORDER**

**31.03.2022**

**Order No.**

01.

This matter is taken up through hybrid mode.

2. Heard Mr. B. Nayak, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate.
3. The petitioner has filed this writ petition seeking direction to opposite parties 2 and 3 to cancel the lease of Nahada Road Metal Quarry-III granted to opposite party no.4 for extraction of Road Metal under Gondia Tahasil and to grant the said lease in favour of the petitioner.
4. Mr. B. Nayak, learned counsel for the petitioner contended that the petitioner has filed his application for grant of quarry lease in the prescribed Form-M under rule 27(4), under Annexure-3. At point no.5, so far as rate of additional charge as per cubic meter is concerned, he has quoted "Rs.85.00 + 130.00 = 215.00". However, in course of hearing, learned counsel for the petitioner contended that he has quoted Rs.85.00 towards additional charges and Rs.130 towards royalty. Therefore, the calculation which has been made by the authorities is contrary to the rate quoted in the

application itself.

5. Mr. P.P. Mohanty, learned Additional Government Advocate contended that since the column 5 only indicates the rate of additional charges (per cubic meter), therefore, the price quoted by the petitioner being Rs.215.00 (Rs.85.00 + 130.00) towards additional charges. Therefore, taking that into consideration, the petitioner has not been selected.

6. The record reveals that while considering the grievance of the petitioner, the Tahasildar vide order dated 26.04.2021 has indicated that the additional charges quoted by the petitioner is Rs.215 and that of opposite party no.4, is Rs. 66. But fact remains since he has not quoted with regard to the price of royalty and his document was also not in order and as such, the opposite party no.4 having submitted all the requisite documents and fulfilled all condition, he became the successful and the lease was granted in his favour.

7. In view of the above, this Court does not find any error apparent on the face of the order passed by the opposite party no.3 dated 26.04.2021 so as to call for interference by this Court. Thus, the writ petition merits no consideration and the same stands dismissed accordingly.

**(DR. B.R. SARANGI)**  
**JUDGE**

**(SAVITRI RATHO)**  
**JUDGE**

*Arun/Bichi*