

(2022) 07 OHC CK 0049
In the Orissa High Court
Case No : Writ Petition (C) No.16758 Of 2022

Saroj Kumar Sahoo

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 08-07-2022

Acts Referred:

Citation : (2022) 07 OHC CK 0049

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Gyaneswar Satpathy, Sailaja Nanda Das

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Satpathy, learned advocate appears on behalf of petitioner and submits, his client operates a stone crusher. Impugned are memos dated 21st September, 2020 and 30th September, 2020, respectively issued by the District Magistrate and the Sub-Collector. He draws attention to communication dated 31st May, 2021 issued by the State, recommending restriction of Eco Sensitive Zone (ESZ) of Similipala Hadagarh Wildlife Sanctuary to 1 km from the reference points 5 to 8, as mentioned in the Table-B in Annexure-IB of the draft notification. He then refers to judgment dated 3rd June, 2022 of the Supreme Court in, inter alia, I.A. no.1000 of 2003 in Writ Petition (Civil) no.202 of 1995 (In Re: T.N. Godavarman Thirumulpad Vs. Union of India and others) paragraph 44 for directions made thereby. He submits, the State having already recommended, the ESZ must be limited to 1 km from the reference points to the boundary of the sanctuary. His client's crusher is beyond that distance.

2. Mr. Das, learned advocate, Addl. Standing Counsel appears on behalf of State and submits, against impugned memos petitioner had moved this Court earlier by W.P.(C) no.27854 of 2020 (petitioner's own case), disposed of by co-ordinate Bench on 16th October, 2020. Mr. Satpathy submits, the direction was for

consideration of representation, after which his client's unit was sealed by the administration.

3. The facts are as above. Court does not find necessity of requiring State to file counter. Instead, it will duly issue instructions for hearing and disposal of the writ petition on adjourned date or thereafter.

4. List on 15th July, 2022.

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