

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4684 of 2003

Sri Karunakar Sahu

.... Petitioner

Proxy counsel on behalf of
Mr. M. Mishra, Senior Advocate

-versus-

***Additional Tahasildar & Land
Acquisition Officer-cum-Competent
Authority, Berhampur and others***

.... Opposite Parties

Mr. S.N. Das, A.S.C.

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAIAK**

**ORDER
21.03.2022**

Order No.

08. 1. The challenge in the present petition is to a notice dated 1st May 2003 issued to the Petitioner by the Additional Tahasildar and LAO-cum-CA, Berhampur asking the Petitioner to refund Rs.8,26,651/- on account of damages under Section 3G, 7(b) of National Highways Act, 1956 (NH Act) on or before 6th May, 2003.
2. While directing notice to issue in the present petition on 6th May 2003, this Court stayed the operation of the impugned notice. The communication of such stay order to the Opposite Party Nos.1 to 3 was conditional upon the Petitioner depositing the assessed special messenger cost by 7th May, 2003. Learned counsel appearing for the Petitioner states that such interim order has also been complied with, and further states that the Petitioner has died in the meanwhile.

3. Considering that the interim stay has continued for nearly 19 years, the Court considers it appropriate to direct that the hearing on the above show cause notice will resume before the authority concerned before whom the matter will be listed on 25th April, 2022. The legal representatives (LRs) of the Petitioner will appear before the authority on that date and submit their written response to the show cause notice without seeking any further time. After hearing them, the authority concerned will pass a reasoned order not later than three months thereafter and in any event not later than 25th July, 2022. The said order will be communicated to the LR's of the Petitioner not later than 1st August, 2022. Till such time, the interim order passed by this Court on 6th May 2003 will continue. The Court clarifies that it has not expressed any view on the merits of the matter.

4. The writ petition is disposed of in the above terms.

5. Urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Guin