IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.1064 of 2018
(Through Hybrid mode)

Padmalochan Nayak .... ***Petitioner***

Mr. Bibekananda Bhuyan, Advocate

-versus-

National Highway Authority of India and others .... ***Opposite Parties***

Mr. Amit Prasad Bose, Advocate
(for O.P. no.9)

CORAM: JUSTICE ARINDAM SINHA

ORDER
15.07.2022

Order No.

06. 1. Mr. Bhuyan, learned advocate appears on behalf of petitioner and submits, interference by judicial review is necessary of order dated 20th November, 2017 passed by the District Judge in rejecting his client's petition for being added as party in the land acquisition proceeding. On query from Court he submits, his client is owner of plot no.489, unauthorisedly occupied by opposite party nos.2 to 9. Mr. Bose, learned advocate appears on behalf of opposite party no.9.

2. Perused impugned order. There is clear record in it that the acquisition proceeding is no way concerned with plot no.489. Mr. Bhuyan submits further, his client is interested as enabled by provisions in sub-section (2) and clauses (b) and

(c) in sub-section (7) under section 3G in National Highways Act, 1956.

3. Following from impugned order is extracted and reproduced below.

> *"Counsel for the O.P. No.8 raised objection stating that the dispute relates to Plot No.488 & no way concern with Plot No.489.*
>
> *Perused the petition U/s.3(H) of N.H. Act filed by N.H.A.I. It reveals that, the acquired land is Ac.0.11 decs. Out of Ac.0.20 decs. of Plot No.488/1515. Hence, no cause of action has arisen to file the petition by the intervener. Hence the petition is rejected."*

In context of and dealing with submissions, including submission made on behalf of opposite party no.8 before it (opposite party no.9 herein), the Court said that acquired land is 0.11 decimals out of 0.20 decimals of plot no.488. In the circumstances petitioner, if has a legally enforceable right in respect of his property, claimed to be plot no.489, can approach the civil Court for restraint orders on user of his plot for purpose of access to any other plot.

4. The writ petition is disposed of.

(Arindam Sinha)
Judge

RKS