

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C).No.621 of 2022

GMR Kamlanga Energy Ltd.

....

Petitioner(s)

Mr.Anupam Rath.
Advocate

-versus-

Union of India & Ors.

....

Opposite Party(s)

Mr.P.K.Parhi, ASG,
Assisted by
Mr.D.Satpathy, Advocate

CORAM:
JUSTICE BISWANATH RATH

ORDER
14.02.2022

Order No.

1.

1. Heard learned counsel appearing for the parties.

2. Petitioner has a grievance that while working out, on the difficulties shown by the petitioner being a private company, over which railway line is being laid, there has been no construction keeping in view the Section 16 of the Railways Act, 1989. Through the documents, it has been demonstrated that even sometimes the Railway Authority is saddling cost of some construction on party losing land. Mr.Rath, learned counsel appearing for the Company taking this Court to the development taken place in the meantime submitted that undisputedly there is laying of railway line through the executive agency of ASRL over the land of the petitioner and there is no difficulty in taking away with the land but its interest on balance land should be protected.

3. Heard Mr. Parhi, learned ASG appearing for the Union of India and also Railway Authority being assisted by Mr.D.Satpathy, learned counsel submits that there is no dispute that laying of railway line is undertaken over the land of the Company involved and by the

construction of the railway line, the property of the company will be divided part of remaining part of the property remain to the other side of the railway line. Taking this Court to the averments in paragraph- 5 & 6, Mr.Parhi, learned ASG claims that there has been already attending to the claim of the petitioner.

4. Considering the rival contentions of the parties and looking to the grievance of the petitioner, this Court is of the view that there is undertaking of a process of railway line over the petitioner's land. This Court also does not find any dispute on the submission of the petitioner that the land of the Company will be completely divided while one part remaining to the left side of the railway line the other part will be at the right side. Considering the whole area being in operation of the company, this Court finds there is definite difficulty to access the petitioner's land by the other side of the railway line. Such dispute admittedly can be taken care of under Section 16 of the Railways Act, 1989. This Court finds there is already mechanism available to resolve such dispute. In the above view of the matter and considering that a public purpose since involves in laying down of the railway line over the petitioner's land, this Court observes petitioner if has any problem in finding access to the other part of the land, it may make a proper representation with appropriate design to facilitate the petitioner establishment's access to both side of land being obstructed by the railway line, the same shall be attended to but at the cost of the Railway Authority in considering such aspect keeping in view the provision at Section 16 of the Railways Act, 1989.

5. With this observation the writ petition stands disposed of.

(Biswanath Rath)
Judge