

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 627 of 2022

Hrushikesh Sahoo and others

.....

Petitioners

Mr. K.K. Jena, Advocate

Vs.

State of Orissa and others

.....

Opposite Parties

Mr.A. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

31.03.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. K.K. Jena, learned counsel for the petitioners and Mr. A. Mishra, learned Additional Government Advocate.

3. The petitioners have filed this writ petition challenging the inaction of the opposite parties in not sending the reference application of the petitioners vide Annexure-7 to the authority as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, on the ground of limitation.

4. Mr. K.K. Jena, learned counsel for the petitioners contended that so far as limitation is concerned, the same is not applicable to the present case in view of the order passed by the apex Court in *Suo Motu Writ Petition (Civil) No.3 of 2020* disposed of on 08.03.2021. Therefore, the application of the petitioners should have been referred to the competent authority as per the provisions of 2013 Act.

5. Mr. A. Mishra, learned Additional Government Advocate contended that he has received instruction to the effect that reference has already been made. The instruction so received by him from the Land Acquisition Officer (Civil), Cuttack is extracted herein below:-

“Instruction in W.P.(C) No- 627 of 2022 filed by Hrushikesh Sahoo and others-Vrs-State of Odisha and others

This is regarding the reference petition filed by the petitioner Sri Hrushikesh Sahoo, S/O- Gadadhar Sahoo of Village – Ramagarh U/s 64(1) of the RFCTLA R& R Act, 2013 which has been received on dtd.02/09/2021.

The award was passed on dtd. 22/12/2020 in LA Case No.1/2019 and the application U/S 64(1) of the RFCTLA R&R Act, 2013 was received on dtd.02/09/2021 which was beyond the time limit on the following grounds.

- i. Clause No.64 2(A) if the person making it was present or represented before the Collector at the time when he made his award within Six weeks from the date of Collector’s award.*
- ii. In other cases, within Six weeks of receipt of the notice from the Collector U/S 21 or within Six months from the date of the Collector’s award whichever period shall first expire.*

Hence the application was rejected as it was filed beyond the stipulated objection period.

But on further verification it was found that the revised award in the same case i.e. LA Case No.1/2019 was passed on dtd. 04/05/2021 and the application received on dtd.02/09/2021 was within the stipulated time period. In order to avoid any legal complicity, the same has been forwarded to the LA R & R Authorities vide letter No. 210, dtd.07/02/2022 for consideration.

This is submitted for kind appraisal of the Hon’ble Court.

*Sd/- 16.02.2022
Land Acquisition Officer
(Civil), Cuttack.”*

6. In view of aforesaid facts and circumstances, since the matter has already been referred, the relief sought by the petitioner having been granted, the writ petition stands disposed of in terms of the instruction as quoted above.

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

**(SAVITRI RATHO)
JUDGE**