

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13745 of 2014

Sakuru Tandia and others

.....

Petitioners

Mr. D.J. Sahoo, Adv.

Vs.

The Special Land Acquisition

.....

Opposite Parties

Officer-cum-Sub Collector & Ors.

Mr. S. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

29.11.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. D.J. Sahoo, learned counsel for the petitioners and Mr. S. Nayak, learned Addl. Standing Counsel appearing for the State-Opposite Parties.

3. The petitioners have filed this writ petition seeking to quash the award under Annexure-2 and to issue direction to opposite party no.1 to refer the dispute of the award raised by the petitioners and proforma opposite parties no.5 and 6 regarding apportionment under Annexure-3 series to the competent civil court, i.e., Civil Judge (S.D.), Sundergarh under Section 30 of the L.A. Act, 1984 within a stipulated time for determination of dispute.

4. Mr. D.J. Sahoo, learned counsel for the petitioners contended that since opposite party no.1 has not referred the dispute of the award raised by the petitioners regarding apportionment to the competent civil court, i.e., Civil Judge (S.D.), Sundergarh under Section 30 of the L.A. Act, 1984, they have approached this Court by filing present writ petition. As such, while entertaining this writ petition, this Court, vide order dated 30.07.2014, passed interim order protecting the interest of the petitioners by directing that the

amount awarded in favour of opposite parties no.2 to 4 under Annexure-2 shall not be disbursed without leave of this Court.

5. In compliance of the order dated 26.10.2022, Mr. S. Nayak, learned Addl. Standing Counsel appearing for the State-Opposite Parties has received instructions and contended that C.S. No.76 of 2010 on the file of Civil Judge (S.D.), Sundergarh has already been disposed of vide order dated 01.07.2014 and, as such, after disposal of the suit, the awarded amount has already been disbursed to the claimants in whose favour the award was passed, before the petitioners have approached this Court and got interim order from this Court.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that since the civil suit has already been disposed of and consequentially the awarded amount has already been disbursed to the claimants in whose favour the award has been passed, this Court is not inclined to entertain this writ petition. However, if the petitioners have any further claim, they may pursue their remedy before the appropriate forum in accordance with law.

7. With the aforesaid liberty, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Ashok