

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 30806 of 2011

Laxmi Palai and Others

....

Petitioners

Mr. Ananta Kumar Rout, Advocate

-versus-

State of Odisha and Others

...

Opposite Parties

Mr. Ishwar Mohanty, Addl. Standing Counsel

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAİK

Order No.

ORDER
26.08.2022

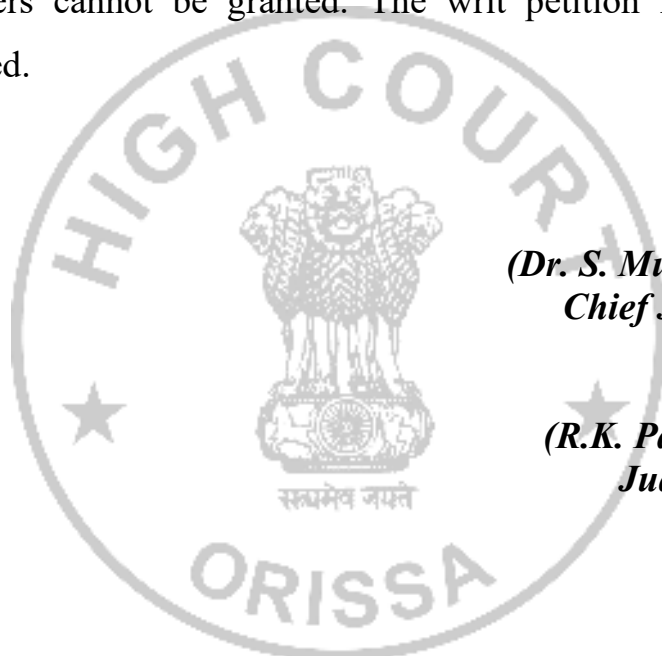
14. 1. The writ petition is restored in view of the order passed today in CMAPL No.237 of 2022.
2. The grievance of the Petitioners in the present petition is that they have not been paid the land acquisition compensation in respect of their dwelling house.
3. A counter affidavit has been filed by Opposite Party Nos.2 and 3 in which *inter alia* it is pointed out that there is in fact no dwelling house in the particular plot in question. It is stated in para 6 of the counter affidavit as under:
- “6. That in reply to the averments made in Para – 4 of the writ petition, it is humbly submitted that, as revealed from the record, no dwelling house has been enumerated within the acquisition area of Ac 0.41 dec. and therefore, it is specifically denied that at Plot No.279/563 of Khata No.58 of Nuasahi Mouza there was a dwelling house of the petitioner in which Petitioner No.1, 2 & 3 were residing

permanently and the same is disputed. It is false to say that the Petitioners have lost Ac 1.38 dec. of land in total construction of railway line from Bhadrak to Dhamara Port in different Mouzas and Chandbali tahasils.”

4. Despite the counter affidavit having been filed way back on 29th July, 2015 no rejoinder affidavit has been filed till date by the Petitioners to contradict the above factual averments.

5. In that view of the matter, the relief sought for by the Petitioners cannot be granted. The writ petition is accordingly dismissed.

S.K. Jena/Secy.



(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge