

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.19719 of 2016

Hadibandhu Swain

.....

Petitioner

Mr. B. Bhuyan, Advocate

Vs.

State of Odisha & Others

.....

Opposite Parties

Mr. S. Nayak, ASC

(O.Ps.1 & 2)

Mr. A. Routray, Advocate

(O.Ps.3, 4 & 6-9)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

22.11.2022

Order No.

8

This matter is taken up through hybrid mode.

2. Heard Mr. B. Bhuyan, learned counsel appearing for the petitioner; Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-opposite parties and Mr. A. Routray, learned counsel appearing for opposite parties no.3, 4 and 6 to 9.
3. The petitioner has filed this writ petition seeking direction to opposite parties no.1 & 2 to refer the Land Acquisition Case relating to compensation in respect of the schedule property to Civil Court as per Sections 18 and 30 of the Land Acquisition Act for determination.
4. Mr. B. Bhuyan, learned counsel appearing for the

petitioner contended that during pendency of this writ petition, opposite party no.5 expired. Therefore, he filed an application for substitution, which was also allowed by this Court, vide order dated 04.11.2022 and the legal representatives of opposite party no.5 have been added as opposite parties no.5(a) and 5(b) to the writ petition and a consolidated copy of the cause title has also been filed.

4. Mr. A. Routray, learned counsel appearing for opposite parties no.3, 4 and 6 to 9 contended that the relief sought has been granted to the petitioner, pursuant to order dated 14.07.2016 passed by the Special Land Acquisition Officer, Jagatsinghpur. Therefore, the writ petition has become infructuous. It is further contended that vide order dated 14.07.2016 when the question of reference under Sections 18 and 30 of the Land Acquisition Act was under consideration, the Special Land Acquisition Officer, Jagatsinghpur stated that there can be no reference to the Civil Court filed by the petitioner and a reference under Sections 18 & 30 can be asked for only by the party who does not accept the award made by the Land Acquisition Officer. It is also stated that under Sections 18 & 30 petition has no merit, as the petitioner has agreed to receive award no.6 and submitted an application for payment of compensation and accordingly, the Special Land Acquisition Officer directed to make payment of award in favour of the petitioner.

5. Considering the contentions raised by learned counsel

for the parties and after going through the records, it appears that the relief sought has been considered and granted to the petitioner pursuant to order dated 14.07.2016 and if the petitioner is aggrieved by the said order, he may approach the appropriate forum.

6. With the above observation, the writ petition stands disposed of.

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Alok

(B. P. SATAPATHY)
JUDGE

