

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 2695 of 2022

Krushikesh Sahoo

.....

Petitioner

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 petitioner and Mr. A. Mishra, learned Additional Government Advocate.

3. The petitioner has filed this writ petition seeking to quash the notice under Annexure-3 and to direct opposite parties 1 and 2 to refund the amount of Rs.23,70,794.00 to the petitioner within a stipulated time.

4. Mr. K.K. Jena, learned counsel for the petitioner contended that the petitioner is entitled to get higher compensation. Against the refusal to send the matter under reference, the petitioner has already approached this Court in W.P.(C) No. 627 of 2022. When his application was so pending, the notice under Annexure-3 was issued to the petitioner to deposit the excess amount, without giving opportunity of hearing to the petitioner.

5. Mr. A.K. Mishra, learned Additional Government Advocate contended that with regard to refusal to make reference have been meted out in W.P.(C) No.627 of 2022, wherein the petitioner has prayed for excess amount, as the same has already been referred to the referral Court. If the petitioner has any cause of action with

regard to non-recovery of any amount or payment of more amount, he can pursue his remedy there. Even though other co-sharers are there, but since the amount has not been paid to such co-sharers, rather the amount has been deposited in the account of the petitioner, the petitioner has been noticed to refund the excess amount. The same will be outcome on the final adjudication of the reference case pending before the referral court.

6. Since the matter has already been referred by the authority to the referral court for consideration, if any amount is due and admissible to the petitioner that can also to be considered in accordance with law. Similarly, if the petitioner is liable to refund any amount, that question has also to be considered by the referral court. The referral court shall adjudicate the same by giving opportunity of hearing to the parties concerned.

7. With the above observation/direction the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE