

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6082 of 2022

Mohan Chandra Behera **Petitioner**

*Mr. A. Tripathy,
Advocate*

-versus-

State of Odisha & others **Opp. Parties**

*Mr. H.M. Dhal,
Additional Government Advocate*

**CORAM:
JUSTICE BISWAJIT MOHANTY
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
12.04.2022**

Order No.

- 01.
1. This matter is taken up through video conferencing mode.
 2. Heard Mr. A. Tripathy, learned counsel for the petitioner and Mr. H.M. Dhal, learned Additional Government Advocate.
 3. At the outset, on oral prayer, Mr. Tripathy is permitted to correct the description of opposite party No.7 in the cause title in Court today.
 4. According to Mr. Tripathy, though the land belonging to the petitioner's late father-Khetrabasi Behera covering Plot No.115/250 measuring an Area of Ac.6.300 decimals pertaining to Khata No.9 of Mouza Aryapalli in Tahasil-Chhatrapur in the district of Ganjam was acquired by the State Authorities for the purpose of establishing Orissa Sands Complex under M/s. Indian Rare Earths Ltd., however, till date no compensation has been paid to the petitioner and other legal heirs of late Khetrabasi Behera. He further submits that the compensation amount was handed over to one Jadav Behera, S/o Late Pitambar Behera of Aryapalli on his submission that on the above noted land he has acquired

ownership as the said land was exchanged with him by the late father of the petitioner with an undertaking that in case if his claim is disputed by any other person, he would refund that money. Disputing such claim relating to exchange, he submits that the legal heirs of the father of the petitioner are entitled to compensation. He also submits that in the meantime, Jadav Behera has died and is now survived by four sons who have been arrayed as opposite party Nos.7(a) to 7(d).

4. During course of hearing, Mr. Tripathy submits that liberty may be granted to the petitioner to approach the Land Acquisition Officer, Ganjam (opposite party No.3) in the matter by filing a grievance petition for redressal of the grievances of the petitioner as well as other legal heirs of Khetrabasi Behera and the said opposite party be directed to take a decision on such motion within a specific time period.

5. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioner to file a grievance petition before the Land Acquisition Officer, Ganjam (opposite party No.3) through registered post within a period of two weeks from today. In the event, such a petition is filed along with a copy of this order, the opposite party No.3 is directed to take a decision on the same in accordance with law by the end of this year after giving reasonable opportunity of hearing to all the legal heirs of late Khetrabasi Behera as well as the legal heirs of Late Jadav Behera.

6. Accordingly, this writ petition is disposed of.

7. Urgent certified copy of this order be granted on proper application.

(Biswajit Mohanty)
Judge

(Biraja Prasanna Satapathy)
Judge