

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9879 of 2013

Sri Bhagaban Rath and others

.... *Petitioners*

Mr. P.K. Rath, Advocate

-versus-

State of Odisha and others

.... *Opposite Parties*

Mr. Ishwar Mohanty, A.S.C. for the State

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAIK

ORDER

08.08.2022

Order No.

08.

1. In reply to the present writ petition, a counter affidavit has been filed by the Assistant Engineer, R & B Sub-Division, Panikoili in which, *inter alia*, it is stated in para 6 as under:

“6. xxx

XXX

XXX

There were private land coming on the approved alignment of the road, for which land acquisition (L.A.) proposals were submitted to Revenue Department. The land coming under villages such as Vikipur, Chhotraypur, Baliaposi, Jokadia were acquired by Government after payment of land cost to the land owners observing all formalities. But due to non-finalization of land records by the settlement authorities in respect of the village Pahanga which is adjacent to above villages, it could not be possible to acquire the land required for construction of the road passing through the village Pahanga. As the road work was in progress, the land owners of Pahanga village have donated land for the purpose of construction of road. The land owners have donated their agricultural land by making 22 registered gift deeds in favour of the Government. The land corresponding to Plot No.356 and 358 (Khata No.8/4) and Plot No.402 (Khata

No.472) of Pahanga village required for construction of the road but they were not acquired by the Government so far as the settlement operation has not been finalized as stated above.

As the land stated above have not been acquired, road construction work over these plots have not so far been taken up. The said land has not been disturbed in any manner. As such, the averments made by the Petitioners that these Opp. Parties are trying to forcibly remove the Petitioners from their recorded properties by encroaching upon and constructing the road without any authority of law is incorrect and misconceived. Copy of the sketch map indicating the road alignment in which the land in question have been identified is annexed herewith and marked as **Annexure-A** for kind perusal of the Hon'ble Court.”

2. In view of the above statement made in the counter affidavit, no further directions are called for as far as the present petition is concerned. In the event that in future any attempt is made by the State to undertake any construction over any land of the Petitioners, it will be open to the Petitioners to seek appropriate remedies in accordance with law.
3. The writ petition is disposed of in the above terms. The interim order passed earlier stands vacated.
4. Issue urgent certified copy of this order as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge