

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.2592 of 2022

Sadhu @ Sadhu Charan Majhi Petitioner

Mr.Kabiraj Pradhan, Advocate

-versus-

Rashmitarani Tarasia, Opp.party
Competent Authority-cum-
Special Land Acquisition
Officer, Khurda

Mr.Ajit Patnaik, Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO

ORDER (Oral)

01.12.2022

Hybrid Mode

Order No.

3. 1. By filing the present petition, the petitioner alleges non-compliance of the order passed by this Court dated 29.07.2021 disposing of W.P.(C) No.3921 of 2019 and prays the Court to proceed against the opposite party as per the provisions of the contempt of Court's Act.
2. Mr. Patanaik, learned counsel appearing on behalf of the opposite party refers to the compliance affidavit dated 15.11.2022 which is served on the learned counsel for the petitioners.

Regarding the steps taken for compliance of this Court's order dated 29.07.2021 disposing of W.P.(C) No.3921 of 2019, at paragraphs-11 & 12 of the said affidavit, the following has been stated :

“11. That, it is humbly submitted that so far as delay in payment of compensation, as per directions of this Hon’ble Court, is concerned, as has already been stated hereinabove, the same is due to disbanding of the office of CALA, NH-16, Khurdha, and subsequent change of administrative jurisdiction from PIU-Bhubaneswar to PIU-Berhampur, and consequent re-location/transfer of the concerned case files from one place jto another, the work of CALA was in jeopardy. Moreover, as the relevant land acquisition proceeding was over in the year 2022, after award of compensation to the petitioner. The connected files and records were shifted from the office of CALA, Khordha at Bhubaneswar, to CALA, Nayagarh and then again back to CALA, Khordha at Bhubaneswar, made the collection of relevant records concerning the said land acquisition proceeding, after almost 20 years was difficult. Hence, the delay and lapses, whatsoever, were beyond the control of the CALA, and was never willful and deliberate.

As such, it is humbly submitted that the opposite party/Contemnor never violated the order of this Hon’ble Court, passed in W.P.(C) No.3921 of 2019 on dated 29.07.2021, willfully and/or deliberately.

12. That it is humbly submitted that in view of the facts, circumstances and the submissions made herein above, the present opposite party/contemnor most honorably urge this Hon’ble Court to dismissed this contempt petition and exonerate the present opp.party/contemnor from all the allegations leveled by the above named petitioner in this petition. It is further, humbly submitted that the above named petitioner may kindly be directed to receive the compensation amount awarded in lieu of acquisition in his land, in consonance with the direction of this Hon’ble Court passed in W.P.(C) No.3921 of 2019, dated 29.07.2021.”

3. This Court takes note of the fact that after receiving copy of the counter on 08.09.2022, the matter was adjourned by the petitioner and is listed today after almost three months and a further prayer for adjournment is being made on behalf of the petitioner. It is further apparent from the averments made in the compliance affidavit filed on behalf of the Land

Acquisition Officer and competent authority, National Highway-16, Khurda that the compensation that is to be paid to the petitioner for acquisition of land in respect of plot no.550, khata no.609, mouza-Chandeswar was to be received by the petitioner on 02.05.2022 at 11.00 A.M. The said notice to the petitioner was served on 28.04.2022, the acknowledgment being indicated by the petitioner's signature dated 28.04.2022 giving his mobile no.8853951136 witnessed by Mohan Majhi and the petitioner still has been recalcitrant to receive the amount. Such action of the petitioner has to be deprecated.

4. Be that as it may, it has to be held that in view of the compliance of the order dated 29.07.2021 disposing of W.P.(C) No.3921 of 2019 the contempt petition has been rendered infructuous and accordingly the same is dismissed.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

December 1st 2022
Cuttack

Gs/dutta