

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9868 of 2022

Baishnab Khatua

....

Petitioner

*Mr. B.C. Panda,
Advocate*

-versus-

State of Odisha & others

....

Opp. Parties

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

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

**ORDER
25.04.2022**

Order No.

02.

1. Mr. B.C. Panda, learned counsel for the petitioner files an additional affidavit on behalf of the petitioner in Court today. The same is taken on record.
2. Heard Mr. B.C. Panda, learned counsel for the petitioner and Mr. H.M. Dhal, learned Additional Government Advocate.
3. According to Mr. Panda, when the grievance of the petitioner is already pending before the Court of L.A.R & R Authority, Sambalpur in L.A. Case No.08 of 2020 pursuant to reference made under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, an attempt is being made by the authorities to dispossess the petitioner from the case land. In this context, he submits that by virtue of the documents at Annexures-10 & 11, the petitioner has been offered higher quantum of compensation with regard to the other lands of the petitioner under the same khata and in same mouza.

4. Mr. Dhal, learned Additional Government Advocate submits that when the matter is pending before the L.A.R & R Authority, Sambalpur instead of approaching this Court, the petitioner should have approached the said authority for mitigating his grievances, if any, as under Section 60 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, the authority has been vested with powers to do justice.

5. Considering the submissions made, this writ petition is disposed of permitting the petitioner to file the documents at Annexures-10 & 11 before the L.A.R & R. Authority, Sambalpur and if so advised, along with an application for interim protection within a week. In the event such an application is filed along with a copy of this order, the authority is directed to take a decision on such interim application in accordance with law within a period of two weeks thereafter. Till the above noted steps are taken within a week, the petitioner shall not be dispossessed from Plot No.590 of M.S. Khata No.08 in mouza Padampur covering an area of Ac.0.60 decimals if not already dispossessed.

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

(Biswajit Mohanty)
Judge

Prasant

(Biraja Prasanna Satapathy)
Judge