

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9170 of 2015

<i>Uma Nanda & Ors</i>		<i>Petitioners</i>
		<i>Mr. B. Baug, Advocate</i>
	Vs.	
<i>State of Orissa & Ors.</i>		<i>Opposite Parties</i>
		<i>Mr. P.K. Muduli, AGA</i>

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

15.12.2022

Order No.

7

This matter is taken up through Hybrid mode.

2. Heard Mr. B. Baug, learned counsel appearing for the petitioners and Mr. P.K. Muduli, learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioners have filed this writ petition seeking direction to the opposite parties to give the approachable road of at least 30 feet wide to the petitioners for their egress and ingress to their non-acquired lands covered under Plot Nos.2394 (part), 2393 (part), 2392 (part), 1386, 1367, 1363, 1366 and 1333, 1361 (part) from the public road and further not to demolish the residential house of the petitioners situated over acquired Plot No.1361 and allow them for a reasonable period of two years till they make construction of their residential building over the aforesaid non-acquired lands.

4. Mr. B. Baug, learned counsel appearing for the petitioners at the outset very fairly contended that he does not want to press the second part of the prayer so far as acquisition of building over plot no.1361 is concerned, as the said building has been acquired and necessary steps have been taken. Therefore, he wants to press the first part of the prayer with regard to give the approachable road of at least 30 feet wide to the petitioners for their egress and ingress to their non-acquired lands covered under Plot Nos.2394 (part), 2393 (part), 2392 (part), 1386, 1367, 1363, 1366 and 1333, 1361 (part) from the public road. It is further contended that the petitioners have already filed representations, vide Annexure-4 dated 14.07.2014 and Annexure-5 dated 29.04.2015, to the competent authorities. It is also contended that though the grievance of the petitioners have been considered, but no action has been taken. Therefore, the petitioners have approached this Court by filing this writ petition.

5. Mr. P.K. Muduli, learned Additional Government Advocate appearing for the State-opposite parties contended that pursuant to representations of the petitioners, steps have been taken for acquisition of balance non-acquired area by initiating fresh L.A. proceeding. Since counter affidavit was filed in 2017 and in the meantime four years have passed, he has no instructions with regard to the present position.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the lands of the petitioners have been acquired for expansion of Biju Patnaik

International Airport for national interest. But, for their egress and ingress to their non-acquired lands covered under Plot Nos.2394 (part), 2393 (part), 2392 (part), 1386, 1367, 1363, 1366 and 1333, 1361 (part) from the public road, they filed representations, vide Annexure-4 dated 14.07.2014 and Annexure-5 dated 29.04.2015 to the competent authorities, who, on consideration of the same, have taken steps, as indicated in paragraphs-5 & 12 of the counter affidavit, which are extracted hereunder:-

“5. In order to redress the grievances of the petitioners, the Opp. Party No.4 had referred the petitions to the Govt. in General Administration Department and after careful consideration, the Govt. in General Administration Department has filed fresh acquisition proposals before the Opp. Party No.4 for acquisition of balance non-acquired area measuring Ac 0.530 dec. and Ac. 0.062 dec. for the purpose.

12. Further, the grievance of the petitioners were also forwarded to the Govt. for redressal and after careful consideration of the Govt., the fresh L.A. proceeding has already been initiated in order to resolve the grievance of the petitioners. As the Opp. Party No.4 has already delivered the possession of land to the Requisitioning Officer on 31.03.2015, so providing 2 years more time for demolishing the structure is beyond the power /right of the Opp. Parties as per the L.A. Act”.

In spite of such averments made in paragraphs-5 & 12 of the counter affidavit, which was filed in the year 2017, till date no such acquisition has been made nor the petitioners have been given any approachable road for their egress and ingress to their non-acquired land and, as such, the Government has remained silent over the said issue after filing the counter affidavit.

7. In the above view of the matter, this Court directs the authorities to act upon their own statement made in the counter

affidavit before this Court by taking steps for acquisition of lands, as mentioned above. The entire exercise shall be completed within a period of four months from the date of production/communication of this order.

8. With the above observation and direction, the writ petition stands disposed of.

9. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Alok

(B. P. SATAPATHY)
JUDGE

