

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.2326 of 2021

Sambaru Sahu & Others ***Petitioners***
Mr. Bidyadhar Pradhan, Advocate

-versus-

***Arbitrator-cum-Collector
and District Magistrate,
Deogarh, District-Deogarh*** ***Contemnor/Opp.Party***
Mr. M.K. Khuntia, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO

ORDER (Oral)
02.12.2022
(Hybrid Mode)

Order No.

- 04.** **1.** The petitioners claiming themselves to be unauthorized occupation of Government land and having raised constructions upon the same were/are stated to be entitled to some compensation upon acquisition of the said land for construction of Highway under the National Highways Act, 1956. It is claimed that the petitioners were awarded some compensation by the competent authority in view of the provision of Section 3G(2) of the National Highways Act, 1956. Dissatisfied by the same, petitioners claim to have filed an application under sub-Section (5) of Section 3G for determination by the Arbitrator. Since the matter was not being decided, petitioners filed W.P.(C) No.27243 of 2019, which was disposed of vide order dated 03.01.2020 directing the Arbitrator-cum-Collector, Deogarh to consider the said application after giving

opportunity of hearing to the parties within a period of four months from the date of production of the certified copy of the order along with copy of the writ petition.

2. The instant contempt has been filed for the alleged non-compliance of the aforesaid order.

3. Upon notice, a compliance affidavit dated 23.11.2021 by Sudhansu Mohan Samal, Collector & District Magistrate, Deogarh has been filed. In the application, it is reflected that the petitioners had initially received the ex-gratia amounts without protest. Be that as it may, it is stated that the petitioners had not filed any representation regarding enhancement of ex-gratia of the private structures situated in Government land nor had submitted the certified copy of the order along with copy of the writ petition.

4. At the time of hearing, we have perused the representation allegedly filed by the petitioners and annexed as Annexure-2 with the main writ petition which substantially supports the stand of the Opposite Party. Even the learned counsel for the petitioners concedes that the same is neither properly drafted nor in the proper form so as to invoke the arbitration proceedings.

5. In the aforesaid facts and circumstances, we are not convinced that the alleged inaction invites any invocation of our contempt jurisdiction.

6. In view of the above, the CONTC is dismissed.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

AKK

2nd December, 2022
Cuttack

