

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC NO.384 OF 2017

Purna Chandra Rout

....

Petitioner

Mr. A. C. Behera, Advocate

-versus-

Mr. P.K. Jena, I.A.S. & others

Opp.parties

Mr. L. Samantaray, AGA

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO**

ORDER (Oral)

26.10.2022

Order No.

09. **1.** This matter is taken up through hybrid mode.
- 2.** Heard Mr. A.C. Behera, learned counsel for the petitioner and Mr. L. Samantaray, learned Additional Government Advocate for the State.
- 3.** The petitioner by filing this contempt application alleges non-compliance of the order dated 13.07.2016 passed in W.P.(C) No.24890 of 2014 disposing of the writ petition. Pursuant to the notice issued by order dated 22.03.2017 show cause affidavit by opposite party nos.1 to 4 have been filed.
- 4.** The petitioner has filed rejoinder in response to the affidavits filed by the opposite party nos.1 to 4. The opposite party nos.1 to 4 have also filed their reply to the said rejoinder filed by the petitioner. The petitioner has filed an additional rejoinder and in reply thereto opposite party nos.1 to 4 have filed their reply.

5. The petitioner in the present petition alleges non compliance of the order dated 13.07.2016 by a division Bench of this Court. Operative portion of the said order is quoted herein :

“5. Since the Government has decided to purchase the land from the petitioner on negotiation basis, it is open to it to take a decision regarding the value of the land as claimed by the petitioner at a higher rate on the basis of the documents to be produced by the petitioner. The above exercise shall be completed within a period of three months from the date of production of certified copy of this order.”

6. From the perusal of the averments made in the petition and counter affidavits as well as the rejoinder, it is indicated that an intra Departmental letter was issued during 1992-93 by the then Executive Engineer vide his letter dated 05.11.1992 addressed to the Land Acquisition Officer, Bolangir for initiation of LA Proceeding. But apparently, the said letter for acquisition of land has not resulted in any further action as far as the land acquisition is concerned.

It is inter alia contended and also not disputed that the land was not in the list for acquisition of land that was initiated in the year 1969-70 for Larkipali Minor Irrigation Project.

Though certain documents have been filed indicating that there was certain proposal for purchase of land that also has not fructified into anything.

7. It is contended by the opposite parties that whether to purchase any land or not, the Government can take a final decision and it has been ultimately decided not to purchase any further land. It is disputed by the opposite parties that the land was taken by advance possession. Photographs of the land have been enclosed marked as Annexure-F/2 to the affidavit filed by opposite party no.2 in response to the additional rejoinder. Relying on the said photographs it is submitted that the land still lies as it is that was identified during the field enquiry conducted by Deputy Executive Engineer, Minor Irrigation Division along with Junior Engineer on 12.01.2017 and also by another field enquiry made by Executive Engineer along with Deputy Executive Engineer and the Junior Engineer on 16.01.2017. The land was also visited by the Superintending Engineer, Kalahandi, Bolangir and Koraput (KBK) Minor Irrigation Circle-I, Bhawanipatna to verify that the land lies as it is without being utilized by the opposite parties.

8. It is further contended for the land lies as it is in the possession of the petitioner and the Government has taken a decision not to purchase the land for utilizing the same for any purpose.

9. It has also come to the notice of this Court that Misc. Case No.17554 of 2016 for modification of the order dated 13.07.2016 passed in W.P.(C) No.24890 of

2014 was filed on behalf of the State-opposite parties, which is pending adjudication.

10. At this juncture, the learned counsel for the petitioner prays for withdrawal of the contempt petition.

11. Accordingly, the contempt petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

October 26th 2022
Cuttack

Gs/dutta

