

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.11206 OF 2022

Santosh Kumar Dwivedy & Anr.

Petitioner

Mr. S. Mohapatra, Advocate

Vs.

State of Odisha & Ors.

Opposite Parties

Mr. P.K. Muduli, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

15.11.2022

Order No.

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This matter is taken up through hybrid mode.

2. Though this matter was not in the list, on being mentioned, the same is taken up today by way of special notice.

3. In compliance of the order dated 11.11.2022, Mr. Hemant Kumar Padhi, Special Secretary to Government, Works Department, Odisha, appears in person in Court today and he files an affidavit, paragraph-4 whereof reads as follows:

*“4. That, it is submitted that the collector & District Magistrate, Balasore Vide letter No.471, dtd. 06.10.2022 requested the Superintending Engineer, Balasore R & B Division-1 to obtain necessary administrative approval for direct purchase of private land measuring an area of A.0.035 dec. of Plot No.1664/2896 in Mouza-Tunapada, Tahasil-Soro in the district of Balasore. Said letter was also forwarded to the Deponent vide Memo No.472, dt. 06.10.2022 which was received by this deponent on 11.10.202. On receipt of such letter, since there was no detail proposal regarding direct purchase of the land in question, on the same date the Chief Engineer, (DPI & Roads), Odisha was requested Vide letter No.14154, dtd. 11.10.2022 to furnish a detail proposal for payment of compensation for the above purpose (**Annexure-A**). Accordingly, the Chief Engineer (DPI & Roads), Odisha vide letter No.41100, dtd. 01.11.2022(**Annexure-B**) submitted the detailed proposal along with recommendation of the District Compensation Advisory Committee (DCAC) for direct purchase of the above land, which was received in the Department on 03.11.2022. On the same date, the records containing the proposal of the Chief Engineer (DPI & Roads) as well as the detailed estimate were submitted to the Financial Advisor-cum-*

Addl. Secretary to Government in Works Department for necessary concurrence. After necessary scrutiny by the Budget Section of the Works Department, the records were returned to this deponent on 11.11.2022 and on the same date, administrative approval was accorded, which was communicated to the Chief Engineer (DPI & Roads), Odisha Vide letter No.15944/W, dtd. 11.11.2022 (Annexure-C). Copy of the said letter was also forwarded to the Superintending Engineer, R & B Division-I, Balasore and Collector, Balasore for information and necessary action. After receipt of the said administrative approval, the Superintending Engineer, Balasore (R&B) Division-I Vide letter No.9546, dtd. 11.11.2022 intimated the Petitioners to make themselves available at 10.00 A.M. on 14.11.2022 for registration of the land in question and payment of compensation amount thereof. Accordingly, after payment of the amount of Rs.7,00,358/- by way of cheque to the Petitioners, Sale Deed has been registered on 14.11.2022 before the Sub-Registrar, Soro”.

4. Mr. S. Mohapatra, learned counsel appearing for the petitioners states that the order dated 11.10.2022 has been complied with by paying Rs.7,00,358/- by way of cheque to the petitioners and after payment of the same, Sale Deed has been registered on 14.11.2022 before the Sub-Registrar, Soro.
5. Since the benefit has already been extended to the petitioners, nothing remains to be adjudicated in this case. However, if the petitioners have any other dispute with regard to acquisition of land, it is open to them to make fresh grievance before the authority and in such event, the authority shall consider the same and pass appropriate order in accordance with law. Personal appearance of Special Secretary to Government, Works Department, Odisha, is dispensed with. The affidavit so filed in Court today be kept on record.
6. With the above observation & direction, the writ petition stands disposed of.
7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

